

A. D. 1218.

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of ill principles, had enjoyed the late public calamity in the exercise of rapine and injustice, and refused now to conform to the treaty of Lambeth, by restoring the forfeitures they held. But it is plain, that the regent looked upon John as not having power to make those alienations. To strike terror, therefore, into the most refractory, he instantly raised an army, and invested the castle and town of Newark, which was held by Robert de Gaugi against the bishop of Lincoln. The place stood a siege of eight days; at last, de Gaugi offered to surrender it, upon being paid for the victuals he should leave behind him. Those terms were accepted by the regent, whose wise moderation and resolute conduct, on this occasion, brought others to their duty. The next step of the government was extremely popular; for, on the 22d of February, he directed the following writ to all the sheriffs throughout England: "We send you our charter of liberties, granted to all our subjects, as well that concerning our forests as others, commanding you publicly to read the same, in a general meeting, to all the barons, knights, and free-tenants of the same, who shall there swear allegiance; and that you carefully cause all the articles of these our writs to be punctually observed and sworn to, and especially what is mentioned at the end of the great charter, anent the demolishing all the unlawful forts and castles which have either been built or rebuilt since the commencement of the war; and that this you cause to be done without delay, as is mentioned in the said charter; because this was specially provided for, and agreed upon, by advice of the legate and our faithful counsellors, and inserted in the said charter for our advantage and peace, and for the tranquility of our kingdom."

The king writes to the sheriffs to observe strictly the charters of liberties and forests. Brady appen. fol. 166.

Reflection.

This writ is a proof how well this administration understood the art of reconciling all parties to the true interest of their country. The reader may likewise perceive, that the regent justly apprehended the castles which had been built by seditious persons, during the late troubles, to have been the nests of faction, both on the part of the king and barons; the demolition therefore of them was a wise and necessary measure at this time, and the more forcibly pursued on that account.

Hardship of the clergy.

The jealousy of the court of Rome, with regard to whatever affected its pretended superiority over the church, continued to persecute the inferior clergy who had joined with Lewis. The regent found too many advantages from the friendship and zeal of the legate, for him to interpose any temporal authority in their favour; besides, it is certain, that many of them, about this time, deserved the severest treatment; I mean such of them as still continued averse to the present government, through their attachments to Lewis and the barons, and their aversion to the memory and posterity of John. Those ought to be looked upon in no other light than the worst of all rebels. But it must be

confessed, that the legate sought principally to gratify his own avarice, and that of his master; for we find a letter, dated the 18th of February this year, and directed to all the sheriffs, requiring them to make proclamation in their several counties, that all clerks who had joined with Lewis, and who continued excommunicated on that account, should leave the kingdom before Mid-lent, under pain of imprisonment. This order would not have seemed at all severe, nay, it would have been necessary, if absolution had been the immediate consequence of their return to duty; but as there is too much reason for believing, that the legate was in this respect directed by interest alone, the measure itself seems to have been, in some degree, calculated for his purposes.

The king, about this time, was at Worcester, to which Llewellyn prince of South Wales repaired, and performed his homage. This prince had some time before attacked the Flemings, who were settled on the borders of Wales, and brought them into subjection. He had ever joined with the barons, and was therefore excommunicated. But the great credit which the regent now held, prevailed with him to return to his duty; while the regent wisely gave him such advantages as might keep him quiet. For, though matters between them have been grossly misrepresented, yet it is certain, that while Llewellyn was at Worcester, he engaged not only to do his best to prevail upon all the noblemen of Wales to renew their homage to the English crown, and not to harbour in Wales any enemy to that government, but to deliver up the castles of Caermarthen and Cardigan, with several other places he had taken in South Wales. On the other hand, he received from the king the wardship and custody of all the lands which had appertained to Wenhunwen, which he was to keep till the heirs of the said Wenhunwen should be of age. He was likewise put in possession of all the estate he had with his wife, who was natural daughter to John; and lastly, he was absolved from his excommunication. Most of this summer was spent in those and the like wise regulations.

Agreement with the prince of Wales.

Rymer, vol. i. P. 225.

Immediately after Michaelmas, according to the annals of Waverley, a common council, or, as that author calls it, a council of the wise men of England was held at London, where the great charter of king John was renewed and transcribed. We likewise have a charter which passed in this council, commanding that no charter, alienating, confirming, selling, or giving away any thing in perpetuity, should be valid, if sealed with the great seal during the nonage of the king. For this reason we find, that he generally made use, in his writs, of the regent's seal, giving it as a reason, that he had no seal of his own, because he was not then of age. But the same annals of Waverley inform us, that about this time the young king began to use a flying seal. Soon after this council broke up, the legate Gualo took leave of England, carrying along with him an immense

Brady ap.



A. D. 1219. immense treasure, and he was replaced by Pandulph.

The great charter enforced.

Matters seemed now to be on a perfect good footing with the pope; and the archbishop of Canterbury, being restored to all his possessions, had assisted at the late council. The year 1219, therefore, opened with a very popular act; for itinerary judges were sent all over the kingdom, to hold courts, to enforce obedience to the great charter; and to revive and put in execution the most salutary of the ancient laws. The peace which, by the wisdom of the regent, was now thoroughly established in England, had been long unknown to the English, and the continuance of it was the more likely, as, about this time some of the most turbulent noblemen in the kingdom took upon themselves the cross, and were preparing to set out for the Holy Land. Among them were the earls of Winchester, Chester, and Arundel, with Robert Fitz-walter. But it appears, that the great fatigues of the regent made it necessary for him to be eased of some part of the government. Hubert de Burgh, the same who had so bravely defended Dover, was therefore made chief justiciary. About the middle of May after, the excellent earl of Pembroke, regent and marshal of England, died, and was buried in the temple church at London, where his grave is still to be seen. He was a nobleman unequalled by any of that age, for the virtues both of the head and heart; but the great principle of his life was moderation. His discernment was such, that he was an equal enemy to the violent of all parties; yet all loved and respected him. No nobleman, in so high a sphere, ever had, and none ever deserved to have, fewer personal enemies. It was his peculiar felicity that he knew how to make the truest maxims of policy square with the strictest rules of virtue; and the unhappiness of this country, that he died before his prince had time to imbibe thoroughly his excellent maxims and example. He was succeeded in the regency by the bishop of Winchester.

Death and character of the regent.

Disturbances with the earl of Albemarle.

Henry again crowned.

The earl marshal, before his death, had suffered the earl of Albemarle to keep the castle of Rockingham; but that nobleman made a very ill use of the indulgence, by the outrages he committed and encouraged against the country round. It was therefore resolved by the government, that he should be dispossessed of the same; and the rather as it was known that he was not without many friends and abettors, who, encouraged now by the death of the regent, were caballing against the peace of the country. The king, therefore, having held his Christmas at Marlborough, was again solemnly crowned at Westminster, by the archbishop of Canterbury, with a crown of gold; Coventry says, with the same which had been worn by Edward the Confessor. From thence he set out on a progress northward, and had an interview with Alexander king of the Scots at York, where a match was agreed upon, between Alexander and Joan sister to the king of England, and a firm

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peace concluded between both parties. As there is somewhat pretty singular in the nature of this compromise, we must observe, that, by the words of the convention between them, the king engages to give the Scot his eldest sister, if he could get her, and that he would use his utmost to get her; but that, if he should be disappointed, he promises him his younger sister, within fifteen days after the time specified for the marriage of the elder. Henry likewise engages to procure suitable matches for Margaret and Isabella, the king of Scotland's two sisters, and still remaining in England, or to send them home to Scotland within a year; but he had the precaution, at the same time, to take a bond of Alexander for performance of the marriage, if the lady should be procured, that she might not be a second time disappointed.

A. D. 1220. A match between the king of the Scots and Henry's sister.

For the name of the lady whom the king of the Scots was to marry was Joan. This princess had been betrothed by her father, while he was abroad, to the son of the earl of March, Hugh de Luzignan, who received the young lady at her father's hands; but, instead of the daughter, who was too young for marriage when delivered to him, his former flames returned for the mother, and he married her immediately upon John's death. The crown of England had several times demanded that the young lady should be sent back; but in vain, as appears from Henry's applications to the pope on this occasion: for the earl wanted to force the English to redeem her.

History thereof. Rymer.

About this time the king of Man and the Isles became the vassal of the pope, and engaged, as a mark of his dependance, to pay him twelve merks a year. A negotiation was likewise set on foot, between Henry and the court of France, by the mediation of Pandulph, for renewing the truce, which was accepted of by both parties, and sworn to by the earl of Warren, as fide jussor for Henry. A bull likewise now came from pope Honorius, by which all English subjects were commanded, under pain of ecclesiastical censures, not to hold more than two royal castles.

The king of Man submits to Henry. Rymer. A truce with France.

The late truce with France was scarce concluded, when the town of Calais, backed by the remonstrances of the court of France, sent over strong complaints against the barons of the Cinque-ports, for some violations offered. Upon this the court of England, who studied all she could to keep in with that of France, appointed Robert de Nereford, the constable of Dover, and one Illwyn Collbrand, to be commissioners to enquire into, and to settle, the damages. These are circumstances not taken notice of by any of our historians, but gathered from our old records, and I think not too minute to have a place here.

Ibid.

Henry, upon his return, as is most probable, from this conference, touched at the castle of Rockingham, into which he was denied admittance. Upon this the country round was immediately summoned in to the king's assistance, and the people joyfully

8 R

obeying,



A. D. 1221.

He takes  
Rockingham  
castle.The earl of  
Albemarle  
breaks out  
into reb-  
lion ;

obeying, the garrison of the castle was obliged to surrender for want of provisions. The rest of this year was spent in several ecclesiastical transactions and pageants, at which the king and his court assisted; particularly the old work of Westminster abbey, as we now see it, was this year founded, Henry himself laying the first stone.

The late disgrace of the earl of Albemarle settled deep in his mind. Several noblemen, Fowkes de Brent in particular, who had like views, and were in like circumstances with himself, encouraged his resentment. The king holding his Christmas court at Oxford this year, the earl withdrew from it privately; and, early in the year 1221, it was publicly known, that he was making preparations, at his castle of Biham in Lincolnshire, for disturbing the peace of the kingdom. The government, though sensible of this, would not, however, venture to take any step against him, but by legal process. A great council was summoned, and held at Westminster, to which the earl of Albemarle was summoned. At first he pretended he would obey the summons; but, instead of that, he all of a sudden surprized and took the castle of Fotheringhay in Northamptonshire, belonging to the chief justiciary. This act of declared rebellion immediately set all the friends of the government against him; and the legate pouring forth his excommunications, so much deterred his accomplices, that they durst not assist him. The earl, however, insolently threw out his defiance; and, under pretence, I suppose, of reviving the old feudal and baronial powers, he insolently wrote to civil magistrates, inviting and giving them safe conduct to repair to his castles, and there to buy and sell. But the government being now in arms, the castle of Fotheringhay was retaken, and all within made prisoners, the earl himself excepted, who escaped to the north. He had depended upon his friends declaring themselves openly in his favour; but being disappointed, he privately applied to the archbishop of York for making his peace with the court, which was at last effected, by means of Pandulph the legate.

[Walter of  
Coventry.]but at last  
submits.

War in Wales.

Scarcely was this threatening cloud dissipated, when another lowred from the side of Wales: for Llewellyn, the active, crafty prince of Wales, upon some pretext, laid siege to the castle of Buelt, belonging to Reginald Brause, who applied for protection to the government. Two summonses were issued upon this occasion, one to the sheriff, the other to the barons, ordering the army to rendezvous at Gloucester. The army immediately marched to the relief of the castle, and the Welsh raised the siege. But the king's forces penetrating into their country, ravaged it, and built the castle of Montgomery for the safety of the English frontiers. But Llewellyn, despairing of being able to resist, sought his safety in submission. Though I am of opinion, that the submission made by him to the archbishop of Canterbury must be referred to a subsequent year, and that no fixed terms were at this

time agreed upon, between him and Henry. But the year in which the summonses were issued for the army to raise the siege of Buelt seems to have been misplaced by Mr. Rymer, or rather by those who put the papers of state in the tower in order. We find that a scutage was afterwards assessed, at the rate of two merks from every knight's fee, towards defraying the expence of this expedition.

A. D. 1221.

Rymer, vol. i.  
p. 261.

The marriage agreed upon last year was now celebrated, between the king of the Scots and Henry's sister; while Hubert de Burgh, the great justiciary, by consent of both kings, married the sister of Alexander, which lady I believe to have been then in England.

Marriage be-  
tween the  
king of Scots  
and Henry's  
eldest sister.

Notwithstanding the late reconciliation, it is certain the earl of Chester was far from laying aside his dangerous practices. Besides Fowkes de Brent, he was abetted by Philip Marc, Peter de Mason, and Engeland de Athie, all of them foreign mercenaries, and rewarded by John with English lands. He was strongly opposed by Hubert de Burgh and the earl of Salisbury; but the archbishop of Canterbury, fearing lest things might come to extremity, found means to have a great council summoned at London, for composing all their differences. The council being met, the archbishop exhorted the great men to unanimity, and threatened them with excommunication if they refused to lay aside their animosities, at least during the nonage of the king; for we are to observe that the legantine power of Pandulph was now expired. The remonstrances of the prelate had so good an effect, that the parties were reconciled, at least to appearance.

But the arts of the French court, ever fatal to the repose of England, began now to work upon the minds of the factious and disaffected; though they could have had but little effect, had the government persevered in the wise example of moderation left them by the late regent. Lewis had still a party in the kingdom, especially among the meaner sort of the Londoners. The clergy and inhabitants of Westminster, on the other hand, were entirely in the interest of the royal family of England. A wrestling match having been held at the hospital of queen Maud near London, the Londoners came off victoriously; and the steward of Westminster, finding himself and his people foiled, proclaimed another match of the same kind, in which the conqueror was to bear away a ram as the prize. On the day appointed, when the Londoners came to the field, they were attacked by the steward with weapons, some were wounded, and others driven away. The friends of Lewis within the city immediately made this a party quarrel. One Constantine Fitz-arnulph, a bold, loud-tongued, rich, though factious, citizen, was at their head. His noise bore down all the wise remonstrances of the mayor, who advised the citizens to complain to the abbot of Westminster. Constantine instantly gave out the word, "God and king Lewis;" and roaring out, That all the houses belonging to the abbot of Westminster, with that of the steward,

Practices of  
the French  
party in Eng-  
land.Tumult of the  
Londoners.



A. D. 1222. ard, ought to be pulled down to the ground, he put himself at the head of the rout, who re-echoed his bellowings, and madly running through the city, they came to Westminster, where they entered upon hostilities, by demolishing many houses belonging to the abbot. The watch-word which had been given out alarmed the friends of the government; and the lawless rout having now wreaked their fury, Hubert de Burgh entered the city with a strong body of troops. The first thing he did was to summon together the magistracy, and the principal citizens. Of them he demands who were the authors of the riot? Constantine, nothing abashed, stepped forth, and boldly avowed and justified all he had done; alledging, in his own defence, the treaty of Lambeth, sworn to by Henry and Lewis, by which the citizens and city of London were to be restored to all their former rights; and by which a general act of indemnity was to pass with regard to all partakers in the late troubles. This answer gives us room to suspect that the treaty had not been very scrupulously fulfilled in this point, especially when we consider the after-conduct of the government; but it became not such fellows, as Constantine headed, to be reformers of the state. The justiciary, upon this bold answer, without discovering his design, or shewing any emotion, dismissed the assembly; but ordered Constantine, and his nephew, and one Geoffrey, to remain in custody; and next morning they were, without any ceremony, or noise, conducted by a party to the gallows, where they were all hanged; though Constantine, while he had the rope about his neck, offered fifteen thousand marks for his life. Had the severity of the government rested there, it might have been thought seasonable: but Fowkes de Brent immediately entered, at the head of his freebooters, into the city, where he seized all who were suspected of being concerned in yesterday's riot. All of them were put into prison, and, after their hands or feet were cut off, they were let go. But this impolitic severity, or rather cruelty, did not rest even here: for the court, glad of a colour for revenging itself of the city for the part she had acted by Lewis, arbitrarily turned out all the magistrates, and filled their places with creatures of its own; a conduct which lost to the government the hearts of the citizens ever after. But even this would not satisfy the court; for the city was obliged to give security under their common seal, that they would, upon the king's demand, deliver up thirty hostages, who were to be named by him, to be by him kept as pledges for the

Constantine their leader hanged.

Severity of the government.

Their impolitic proceeding.

future behaviour of the citizens. The bond, by which they obliged themselves to do this, is still in the tower of London; though our old historians are silent as to the fact. A. D. 1223.

Brady.

These proceedings alarmed the more independent and virtuous part of the nation. The late rioters had indeed deserved to suffer; but it ought to have been by the law of the land, as established by the great charter, upon which the ink was yet scarcely dry. It was openly said, that the government was now no better than a faction against the people of England; and the justiciary, Hubert de Burgh, who acted as first minister, was accused of alienating the affections of the king from his people, and of many arbitrary designs against their liberty. It must be confessed there was but too good ground for those complaints; and it appears that the cabal at court had entered into a concert for disannulling all the provisions of magna charta itself. Henry, in the beginning of the year 1223, was at London, having removed from Oxford, where he had just spent his Christmas(1). Here the archbishop of Canterbury, and some of the principal of the nobility, demanded an audience of him, in right of their privileges by the great charter, in that article which establishes the controlling power of the twenty-five barons. This being granted, the noblemen required the king to confirm the great charter of their liberties; and remonstrated upon the justice of his observing all the articles which he had solemnly sworn to upon the departure of Lewis. As the court perhaps expected a demand of this kind, William de Briwere answered, That the great charter was extorted by force, and therefore could not bind to observance. The archbishop then replied, with great indignation, and some heat: "If you loved the king, sir, you would not prevent the peace of the kingdom." This compulsory expression soon convinced the courtiers that the noblemen were resolved not to be dallied with. Even Henry, young and beset with flatterers as he was, saw both the justice of the demand, and what might be the consequence, if it was refused. "I have," said he, sworn to all those privileges, and "we are all of us bound to observe whatever we have sworn." And he immediately gave orders for summoning a parliament.

Complaints against Hubert de Burgh.

Bold proceeding of the archbishop of Canterbury.

All our historians, it is true, are fond of supposing the conference above-mentioned to have happened in parliament; but the words of Paris, from whom we have the fact, will not admit they did. The circumstance is of great importance, and discovers the little attention of our historians to the

Reflection.

(1) Anno Domini millesimo ducentesimo vigesimo tertio, rex Henricus ad natale, tenuit curiam suam apud Oxoniam. Et postmodum in octavis Epiphaniæ, apud Londonias veniens cum baronibus ad colloquium; requisitus est ab archiepiscopo Cantuariensi et magnatibus aliis: ut libertates et liberas consuetudines, pro quibus guerra mota fuit contra patrem suum, confirmaret. Et sicut archiepiscopus ostendit evidenter, idem rex diffugere non potuit, quin hoc faceret: cum in recessu Lodovici ab Anglia, juravit et tota nobilitas regni cum eo; quod libertates præscriptas omnes observarent, et omnibus traderent observandis. Quod audiens, Willielmus Briwere, qui unus erat ex consiliariis regis, pro rege respondens, dixit libertates quas petitis, quia violenter extortæ fuerunt, non debent de jure observari. Quod verbum archiepiscopus moleste ferens, increpavit eum, dicens: Willielme (inquit) si regem diligeres, pacem regni non impedires. Videns autem rex, archiepiscopum in iram commotum, dixit: omnes libertates illas juravimus, et omnes astricti sumus, ut quod juravimus, observemus. Et rex protinus habito super hoc consilio, misit literas suas ad omnes vicecomites regni, ut per milites duodecim vel legales homines unius cujusque comitatus, per sacramentum facerent inquiri, quæ fuerunt libertates in Anglia, tempore regis Henrici avi sui: et factam inquisitionem ad Londonias mitterent ad regem in quindecim diebus post Pascha. Matt. Paris.



A. D. 1223. nature of the constitution at that time. Paris expressly says, that this debate passed at a conference, and that the result was the king's holding a council or parliament upon it immediately after. Thus we see that the provision of the twenty-five barons was not, as some may imagine, temporary and confined to the person and reign of John; but understood to be in force at this period, and put in execution in the strongest and most effectual manner.

The great charter again enforced.

For the result of their debates was a writ directed from the king to the sheriffs, ordering each, in his respective county, to make enquiry, by the oath of twelve of the most creditable and discreet knights of the whole county, and in a county court, concerning the customs and liberties granted by John, before the war broke out between him and his barons; and likewise concerning the privileges and franchises of towns and boroughs, that both the sovereign and the subject might have justice done them; and commanding each sheriff to return the execution of the writ, with a full account of what he had done subsequent thereto, to the king at Westminster. This writ, which is still extant on the rolls, is different but in a very inconsiderable circumstance from the narrative of Paris, who says, that the inquisitors were to make their report only with regard to the rights and privileges the people enjoyed under Henry II. But this variation, I say, is inconsiderable, because the privileges granted in that prince's reign, and in those of his predecessor, are, in the main, the same with those stipulated by the great charter. Little more seems to have passed in this council, besides a subsidy paid for the Holy Land, towards which every earl paid three merks, every baron one merk, every knight twelve-pence, and every housekeeper one penny.

The war with Wales revives.

Llewellyn prince of Wales, ever since the expedition into his country, had been watching an opportunity of renewing his ravages upon the English with advantage. The visible discontents which were growing between the barons and the court, with the absence of the earl-mareschal, son to the late regent, in Ireland, encouraged him to look upon this as a proper juncture. Falling therefore, with great fury, into the earl's estate, he took two castles, and put to death the garrisons, replacing them with Welsh. The earl, upon the first news of this, instantly left his affairs in Ireland unfinished, and bringing his army over to Wales, attacked the castles of Abertievi and Cardigan (the latter of which, with Caermarthen, had been given to Llewellyn by the legate Gualo); and taking them both, put all within them to the sword. The castle of Caermarthen next fell into his hands; and Llewellyn, alarmed at his success, sent his son Griffith to oppose him, which he did upon passing the river Teivi near Caermarthen. According to the Welsh authorities, the success of the battle which followed was doubtful; but the English have given it to the earl-mareschal, who, they say, totally defeated the Welsh, to the number of nine thousand, who were either killed or taken prisoners. This ac-

The castle of Caermarthen taken.

count seems to be the most likely, since it is certain, that, after the battle, Griffith was forced to retire, and the earl had leisure to begin a new castle at Kilgarran. Being obliged, some time after, to go to the English court, the king and the archbishop of Canterbury did all they could to make up matters between him and Llewellyn. For this purpose, they sent a summons for the latter to repair to Worcester, to meet the king. It is uncertain whether Llewellyn obeyed this summons, or not; I am inclined to think he did, but that the conferences broke up without effect. Upon which, the earl-mareschal repaired to his army, or rather to the king's, with a reinforcement under the earl of Derby and Henry Bygod. For we find a writ, directed to the sheriff of Devonshire, dated the 11th of July, about three weeks after the date of the summons to Llewellyn; by which all the English subjects, in that county, are ordered to have no commerce or intercourse with that part of Wales which belonged to Llewellyn; but to import victuals, and other necessities, securely into South Wales, particularly into the lands of Caermarthen and Cardigan, and the estates of the earl-mareschal. This, however, did not prevent Llewellyn from ordering his son to make head against the earl-mareschal, who being not able to penetrate so far as Pembrokeshire, returned to England. Notwithstanding this, it is certain, that Llewellyn afterwards submitted to have all differences between him and the king, or subjects of England, determined by the award of the archbishop of Canterbury, who was appointed the king's commissioner for that purpose, and gave hostages for due performance. This is the best account I am able to give of this dark affair, in which the English and Welsh historians so much differ; where I disagree with either, I am justified by the dates and imports of original papers, which none of them appear to have seen.

A. D. 1223. Castle of Kilgarran built.

Rymer, vol. 1. p. 258.

Writs directed to the sheriff of Devonshire concerning Llewellyn. Rymer, vol. 1. p. 260.

Llewellyn's son opposes the earl-mareschal. Rymer, vol. 1. p. 261, 262.

Llewellyn submits to the judgment of the archbishop of Canterbury.

This year died Philip Augustus king of France, who has made a great figure in this history, as he did in that of Europe during his own age. His character I have already given; I have only to add, that the empire he left was reared on foundations so permanent, and so much deeper than the acquisitions of his predecessors, that he may be justly called the father of the power of French kings, as his predecessors were of that of the French nation. No sooner was the government of England apprised of his death, than the archbishop of Canterbury, with other three bishops, were sent to the court of France, to demand of Lewis restitution of Normandy, and the patrimony which had belonged to the royal family of England within France. The foundation of this demand was, the agreement said to be sworn to, or rather the secret articles entered into, by Lewis before he left England. It is true, as I have already hinted, no mention is made of this article in the treaty of Lambeth (or, as our historians have affected to call it, that of Staines); but we cannot be surprized at that, when we consider, that old

Philip king of France dies.

The crown of England demands restitution of their demesnes in France from Lewis.

Reasons for it.



A. D. 1223.

Remark.

Lewis's an-  
swer to the  
English bi-  
shops.Henry's ma-  
nifesto to the  
noblemen in  
Normandy.  
Rymers.Hubert de  
Burgh pre-  
vails with the  
pope to de-  
clare Henry  
of age.The English  
nobility dis-  
regard the  
pope's bull.  
The politic  
conduct of  
Hubert de  
Burgh.

old Philip must have highly resented any such agreement on the part of his son: there was, therefore, the strongest reason for keeping that article secret. But courts are never at a loss to evade the performance of whatever is against their inclination or interest. Lewis answered the deputies, That if the king of England had a mind to repair to his court, he was ready to prove his own title to Normandy; and that the places taken by the crown of France from king John, were lawfully held, both by conquest and forfeiture. He urged farther, That the treaty of Lambeth had been violated in two chief instances: first, in the intolerable ransoms imposed upon his soldiers who had been taken at Lincoln; the next, in the court of England, not only neglecting to restore the people to their ancient laws, but even making farther encroachments on their rights and privileges. We know of no reply made by the deputies to this recrimination, only we are certain, that a manifesto was at this time published in Henry's name, inviting the noblemen of Normandy to return to their allegiance under his family, and likewise promising to restore them to their family possessions in England. The deputies being returned home, the government was sensible that there was no recourse now, but to the sword, to regain Normandy.

But the administration of England was then infirm and divided. Hubert de Burgh acted as first and sole minister, and became extremely unpopular with the barons. As his personal credit with Henry was great, and as he found it would be very difficult for him to keep his ground on the present footing of affairs, he entered into intrigues with the court of Rome, for declaring Henry to be of age. It does not appear, from history, what part the bishop of Winchester acted at this time; I am apt to believe that there was an understanding between him and de Burgh, since we never can suppose that the latter would have been able to have carried his point at the court of Rome, without the interest of the bishop concurring. Be this as it will, a bull of majority, in favour of the king, came from Rome, accompanied by another; by which the pope requires all noblemen, barons, knights and others, possessed of castles, honours, or towns belonging to the king's demesnes, instantly to deliver them into the king's hands, who was now declared to be of age, under the pain of ecclesiastical censures. These bulls being published, the noblemen whom they concerned, entirely disregarded them, as obtained by the intrigues of de Burgh. The latter, however, acted, on this occasion, a very politic part: he was the first who set an example of obedience to the bull; and he immediately surrendered into the king's hands the castle of Dover and the tower of London, both that he might become a precedent to others for doing the like, and take from them any pretext for refusing.

The chief of the noblemen in the opposition were, the earls of Chester and Almarie, the constable of Chester, Fowkes de

Brent, Robert de Viepont, Brian de Lisle, Peter de Mallion, Philip Marc, Jugelarde de Athie, William de Cantello and his son. It was no difficult matter for them to dive into the designs of the pope, the rather as they perceived that the late resignation of Hubert was all a sham, both those important trusts being immediately restored to him. The part which the archbishop of Canterbury, and the virtuous part of the nation, had to act at this time, was very delicate. It was certainly most desirable to bring the government to the same principles upon which it was left by the regent, that is, to rule without a party. To declare the king of age, was the readiest way of effecting this measure; but they despaired of seeing it succeed, while they saw the justiciary possessed such an influence over the king's person. On the other hand, they were sensible that the views of the opposition, however plausibly represented, were by no means justifiable.

The archbishop therefore, and the other clergy, acted in a wise mean between both. In the beginning of the year 1224, they waited on the king at Northampton, where he had kept his Christmas. The earl of Chester and his party were then at Leicester, where they behaved with great indecency. They had made repeated attempts to persuade the king to dismiss his justiciary, but in vain. Their disappointment, therefore, exasperated them almost into open rebellion; and their designs, both against the person of the king and his minister, grew now too dangerous to be avowed by subjects who had nothing but the good of their country at heart. The archbishop and his friends continued still in great credit about the king's person, and were in hopes that, by their moderation and influence, they should be able to over-balance the credit of Hubert, if he should attempt aught that might be dangerous to the peace and liberty of the kingdom. With those intentions, the archbishop and his suffragans, in general terms, excommunicated all disturbers of the public peace, and intimated this sentence to the earl of Chester and his friends, who continued still in Leicester; letting them understand at the same time, that they would be particularly specified in the sentence of excommunication, if they did not forthwith deliver up their castles.

The earl and his friends, who had seen the archbishop's former vigorous opposition to the court, perhaps counted upon him as one of their own party; they were therefore the more disconcerted and stunned at this declaration, and found themselves of a sudden under a necessity of complying. Next day, therefore, they set out for Northampton, where they tendered a formal resignation of all the castles and honours that had belonged to the royal demesnes. But their submission was only from the teeth; for Hubert looked upon it as a triumph of his power, and thus he was confirmed in his insolence. The behaviour of the opposing barons was equally provoking; for, finding the influence of Hubert over his master too

A. D. 1224.

The prudent  
conduct of the  
archbishop of  
Canterbury.The earl of  
Chester's ill  
behaviour.The archbi-  
shop excom-  
municates the  
earl of Chester  
and other no-  
blemen,who tender a  
formal resigna-  
tion of all  
the castles,  
honours, &c.  
to the king at  
Northamp-  
ton.Conduct of  
the discontented  
barons.



A. D. 1224. deeply rooted for them to remove, they retired from the court to their several estates, and endeavoured to raise discontent and division through all the country.

Character of  
Fowkes de  
Brent.

Fowkes de Brent, who had never known any other law than that of his sword, who had never earned any bread but by blood, and when not in war and commotion thought himself out of his element, was secretly pitched upon by the discontented, as the most proper tool for bringing matters to an issue by the sword. His oppressions were numerous, and his spirit bold and unsubmitting; the interposition of civil authority rather exasperating than reclaiming him. For, when the general judges were sitting at Dunstable, no less than thirty verdicts were found against him, for his invasions of other men's properties. What the consequence of this was, we shall soon see.

Lewis declares  
war against  
England.

For the court of France, which, from the earliest times of our government, has never failed to improve the civil dissensions of England, thought this a proper time for distressing the administration. Accordingly Lewis, strengthening himself by an alliance with the emperor and the earl of March, with other feudatories of his crown, declared war against the king of England upon the expiration of the late truce; and upon pretence, that Henry had not, according to his duty, repaired to his court to perform his fealty. The ministry of England was too intent upon preserving their own influence at home, to make suitable provisions to prevent the progress of the French arms. For Lewis fell, with a great army, into Poitou, where he besieged Neorte, which was vigorously, for some time, defended by Savory de Mallion. The place, however, was taken, and the garrison, with its commander, capitulated for leave to retire to Rochelle, on condition that they should not carry arms against the crown of France before the festival of All-saints following. Lewis then made himself master of St. John de Angelie; and, about the middle of July, he formed the siege of Rochelle itself. Had not the administration in England been infatuated, they had sufficient time for reinforcing and supplying this important place, so as to have held out till the rigour of winter, and might have obliged the French to raise the siege; but they never thought of this till it was formed. A parliament was then held at Northampton, to deliberate upon affairs in France; but just as they were coming to some resolution, the following incident happened.

A parliament  
at Northamp-  
ton deliberate  
upon affairs  
in France.

Fowkes de  
Brent takes  
Henry de Be-  
broc, an ite-  
nerant justice,  
prisoner to  
Bedford castle.

Fowkes de Brent, exasperated at the proceeding of the itinerant justices, who had amerced him in a hundred pounds, had sent his brother, with a party of men from his castle at Bedford, to surprize the persons of the justices. Two of them made their escape; but the third, Henry de Bebroc, (the same, if I mistake not, who helped so valiantly to defend Mount Sorrel) fell into their hands, and was, with very ignominious treatment, brought prisoner to Bedford castle. As the place was well fortified, Fowkes, who expected to be besieged, immediately set out

for Cheshire and Wales, in order to concert measures with the discontented noblemen for openly taking the field. A. D. 1224.

The insult which had been done to the king and government, in the person of the worthy judge, gave the parliament at Northampton a just indignation; it was therefore unanimously resolved, that all other debate and deliberation should be laid aside till the vipers of rebellion should be crushed in their nests. An army was instantly raised; the castle of Bedford was summoned to surrender, and the garrison insolently answered, "That they would not, without the orders of their immediate superior, who was absent." The king then ordered the engines of war to be directed against the walls, while the clergy levelled the thunder of excommunication against the besieged. For nine weeks did they hold out, and they were then forced to surrender on discretion, after the loss of many lives on both sides. The castle itself, by order of the king, was razed to the ground, and the governor, with all his knights and soldiers, hanged. The parliament, which was then adjourned to Bedford, now resumed their deliberations, and granted to the king a supply for his occasions. This supply consisted of carucage of two shillings on each plough-land throughout England; while the barons, to indemnify themselves, had a power granted them to assess each knight's fee under them, at the rate of two merks. Walter of Coventry informs us, that the archbishop of Canterbury and his suffragans, with the abbots present in parliament, granted half a merk out of every plough-land, held by them or their tenants in barony; and two shillings for every plough-land, held by abbots and priors, or their tenants, not in barony. It is now time to return to the siege of Rochelle.

The castle of  
Bedford be-  
sieged,

and the gari-  
son's answer.

Is surrendered,

razed to the  
ground, and  
the governor  
and soldiers  
hanged.

The parlia-  
ment grant a  
supply to the  
king.

The barons  
have a power  
to assess the  
knights in two  
merks.

Mallion's  
brave defence  
and diffi-  
culties.

Capitulates,  
and delivers  
up Rochelle.

Savory de Mallion and his garrison were now at liberty to bear arms against France. Having being made commander of Rochelle, his defence, according to the French authors, was very brave; but as he was at the head chiefly of mercenaries, he stood greatly in need of money. He made repeated instances to the court of England to be supplied; and though some ships arrived with provisions, yet no supplies of money arriving, the governor entered into a capitulation, and delivered up the place. But the English, with more justice, charge Mallion with having delivered it up without resistance. A complaint sent by the city and magistracy of Bayeux, against the governor and the burghers of Rochelle, favours this opinion. It is there said, that four hundred citizens of Bayeux being sent to serve in the place, well appointed, well armed, on their own charges, were posted in the weakest quarter of the town; and that the enemy, without their knowledge, was admitted into the city. Our own authors have charged the English government with a ridiculous imposition put upon Mallion, who, they say, being hard pressed, and applying for money, received, instead of money, a barrel full of old iron. For my



A. D. 1225.

Terms of capitulation.

Savory comes to England, and vindicates his conduct.

Fowkes de Brent's submission.

He is committed to the custody of the bishop of London; as is his wife and son to that of the earl of Warren. A parliament at Westminster,

who grant the tax of fifteenths to king Henry.

own part, I am apt to believe, that the crisis of affairs was such in England at this time, that no party was very forward in sending the necessary succours. Savory being thus disappointed, delivered up the town on the third of August, on condition that all natural-born Englishmen who were in it should have liberty to return to England. Of these there was a great number; they having from all the country round shut themselves up in Rochelle, and it was contrary to their sentiments that the place was given up. Savory, however, went over to England, where he boldly vindicated his conduct, and recriminated on the ministry. But the spirit there was too strong against him, and, rather than be sacrificed for the safety of others, he went back to France, where he offered his services to Lewis, who joyfully accepted them, and honourably employed him. The reduction of Rochelle was followed by that of all the neighbouring country; and thus the campaign ended, greatly to the honour and satisfaction of the French.

Fowkes de Brent, whom we left in Cheshire attempting an insurrection, found the spirits of his confederates damped so much, that he was forced to throw himself upon the mercy of the king at Northampton. He was introduced into the royal presence by the bishop of Coventry, and falling on his knees, he made a long recapitulation of his services to the king and his father; urging, that whatever had been done against the public peace and dignity, had been without his knowledge; and imploring forgiveness. But the king, without declaring his intentions, committed him to the custody of the bishop of London; as he had his wife and young son, who were taken in the castle of Bedford, to that of the earl of Warren.

Henry this year kept his Christmas at Westminster, and, in the beginning of the year 1225, a full parliament was held. Here Hubert de Burgh laid before the assembly, which, we are told, consisted of peers and people, the state of the king's affairs abroad, the successes of the French, and the necessity of a speedy supply; concluding with a motion that the fifteenth part of all the moveables, belonging either to laics or ecclesiastics, should be granted for that purpose. The people began now to be sensible, that nothing but necessity could prevail with the court to do them justice with regard to their liberties: nay, infractions of them had been lately made; they, therefore, wisely laid hold of the present emergency to have them confirmed. The answer of the assembly to the minister's demands was, That they were not averse from agreeing to their motion, provided they might have a confirmation of

their ancient liberties, as expressed in the great charter. The needy court instantly agreed to this; charters were made out and sealed; one for each county of England, containing the great charter; and another, that of the forests. This done, all ranks of people expressed their zeal for the public service, and even the Jews contributed five thousand marks; and what was more extraordinary, the monks of the Cistercian order gave two thousand.

In consequence of the provisions made in the charter of forests, a jury of twelve men were sworn in each county, according to whose verdict all forests made after the coronation of Henry II. were to be disforested and laid out again; and the clergy excommunicated all persons who should use any manner of fraud, either in paying or collecting the subsidies. We are now only to observe, that this great tax of the fifteenths was collected by a writ, directed to commissioners, who are made justiciaries for that purpose, in the several counties. The sheriffs were to summon before them all the knights of their counties, at the county-town, and out of those, four or more, or fewer, according to the largeness or smallness of the county, were to be chosen for every hundred or wapentake, for the collection of the said fifteenths. But it was ordered by the said writ, that these collectors should not collect out of their own, but out of their neighbouring, wapentakes or hundreds; and that all men, excepting earls, barons, and knights, should swear to the number, quantity, and value, not only of their own effects, but those of their two next neighbours. In case of any dispute, a jury of twelve men was to be impanelled, whose verdict was to be decisive. Stewards and bailiffs were to swear to the effects of earls, barons, and knights. The effects not taxed were, as in the annexed note (1); together with all hay and forage which was not for sale. I have been the more particular in this account, because the record from which I have it is authentic, and because it affords us a most valuable detail of the manner in which taxes were levied in those days.

This supply enabled the king vigorously to set about the recovery of his affairs in France. He knighted his brother Richard, whom he then created earl of Cornwall and Poitou, and made him commander in chief of the forces who were to serve in France. The earl of Salisbury and Philip de Albiney were to command under him; and the generals, together with sixty other knights, setting sail for France, arrived safely at Bourdeaux, which still remained inviolably attached to the house of Normandy. Richard,

A. D. 1225. The people obtain a confirmation of their liberties of Magna Charta, and of the charter of forests.

The forests to be disforested by a jury of twelve men in each county.

The collectors not to collect out of their own, but out of the neighbouring hundreds.

Remarks.

The king knights his brother Richard, creates him earl of Cornwall and Poitou, and makes him commander in chief.

(1) Mr. Tyrrel tells us, from Walter of Coventry, that this affair the pope himself very much promoted, writing a letter or brief to the archbishops, bishops, abbots, and other clergy, commanding them to grant a voluntary competent aid to the king; but yet with a saving clause, that it should not be drawn into example. Then our author proceeds to tell us what things were excepted out of this grant, viz. their horses, ploughs, arms, and household utensils; as also their jewels, and necessary provisions for housekeeping. The clergy also excepted their books, and the treasure or ornaments of their churches; but that none, of any sex or condition, were excepted from payment, but only the order of the Cistercians and Premonstrantes, with the knights-templars and hospitallers. Also, that all merchants or tradesmen gave a fifteenth of all their merchandize or commodities, their household goods and provisions only excepted. Upon this, the archbishop and bishops excommunicated all those who should commit any fraud in the raising, or hindrance in payment, of this fifteenth; the one moiety of which was to be paid at the feast of the Holy Trinity, and the other moiety at the Michaelmas following. Tyrrel, fol. 853.



**A. D. 1225.** immediately after his arrival, in an assembly of the archbishop and inhabitants, communicated to them his brother's letters; in which he most earnestly conjured them to assist him to the utmost, in recovering his patrimonial dominions in France.

These letters had a prodigious effect, the rather because Richard had now under his command upwards of three hundred ships, with a fine army; and was honoured with the title of earl of Poitou, which endeared him to the Poitevins. By the advice of the earl of Salisbury, he laid hold of the favourable dispositions of those flashy people, and laid siege to Reole, which held out for a long time. During this siege, the earl of March, father-in-law to Henry, put himself at the head of an army, by order of the king of France, to relieve the place. But the English general took his measures so well, that the earl of March fell into an ambuscade, in which most of his men were cut off; and the place, after an obstinate resistance, was taken. It was followed by the reduction of Bergerac and St. Machair. The rest of the campaign was spent in alternate successes of both parties, several places falling into the hands of the French; but a truce for three years was soon concluded, and the English fleet returned home.

Earl of March falls into an ambuscade,

and Reole taken.

A truce concluded for three years.

Fowkes de Brent absolved from excommunication. [V. i. p. 273.]

Is banished.

Goes to Rome, and obtains a brief from the pope to the king.

Vol. I. p. 274, 275.

Another parliament met in March this year at Westminster, before which the affair of Fowkes de Brent was laid. He had before this time, as appears by a letter of his published by Mr. Rymer, given up to the king all his moveables and effects, with his castles, upon condition of being absolved from excommunication; taking an oath, and giving security, at the same time, that he never would again create any disturbance in the kingdom. These submissions, together with the former services he had done the royal family, mollified the king and parliament so much, that his sentence was changed into banishment. He was accordingly put on ship-board by the earl of Warren, to whom he protested, with tears in his eyes, that whatever he had done, was by the instigation of certain great English noblemen. But no sooner had he arrived in France, than he was taken prisoner, and, by order of the king of France, sentenced to be hanged. He had the address, however, to have this sentence taken off. He next went to Rome, where, according to our historians, he insinuated himself so much with that court, that he obtained a brief from the pope in his favour, directed to Henry. This had like to have produced a great misunderstanding between the courts of Rome and England; for the legate pressing the pardon of Fowkes, who had taken on himself the cross, both the king and the nobility took it so much amiss, that the legate wrote for new instructions to the court of Rome, and the solicitations in his favour were dropped. But, by some papers published in Mr. Rymer's collections, it appears very plain, that this brief was obtained by him before he was taken prisoner in France; and we have, in Walter of Coventry, a long misrepresentation

of his case, which Fowkes himself had communicated to the court of Rome.

The inquest concerning the forests this year, in consequence of the charter of forests, produced some encroachments on the part of the people on the royal demesnes: for, beginning now to know their own weight, the boundaries were fixed very much in favour of the subject; so that, as Matthew Paris observes, the liberties granted by that charter were enforced to the smallest tittle.

It appears from the records, that, about this time, a treaty of marriage was entered upon between Henry and the daughter of the duke of Austria; for we find a letter, to that purpose, sent by the king, through the advice of his council and parliament. A like treaty, some time before, had been entered upon with the daughter of the earl of Brittany; and the matter had gone so far, that a dispensation had been obtained from the court of Rome for the proximity in blood. But both these treaties came to nothing, though for what reasons has not come to our hands.

A treaty of marriage between Henry and the daughter of the duke of Austria.

Rymer.

About this time a very extraordinary affair happened on the continent. A person, who pretended to be Baldwin emperor of Constantinople, and who had escaped out of the hands of the Bulgarians, who had taken him prisoner, appeared in Flanders, where he gave such surprizing proofs of his identity, that he was acknowledged by most of the noblemen in that country, and put in possession of the greatest part of the earldom. That the court of England believed him to be no impostor, is evident from a letter [Rymer.] wrote to him by Henry, who invites him to renew the old league which had so long subsisted between the kings of England and the earls of Flanders, against the crown of France. What answer this letter produced, we know not. But the daughter of this real or pretended count, either found her love of power superior to nature and duty, or had convincing proofs of an imposture. She had, ever since the account came of her father's dying in prison, remained in sole possession of his estates; and accused this person, at the court of France, as an impostor. Lewis summoned him to appear, and give account of himself. If the account he gave to the court of France was the same with that we have in Matthew Paris, it is pretty extraordinary. For that monk tells us, that he escaped out of prison through the assistance of a young lady of noble parentage, whom he promised to marry, and to instruct in the principles of the Christian religion, as soon as he was at perfect liberty within Christendom. Accordingly he and his fellow prisoners, whom the lady likewise delivered, were happy enough to reach a place in Christendom, where they were at perfect liberty to consummate the marriage; but it was necessary the lady should first be baptized; and Baldwin, by this time, had repented of his promise, which he basely cancelled by murdering the young lady as she stood at the font for baptism. His repentance for this action, he pretended, was the reason

Baldwin earl of Flanders, his history.



A.D. 1225. reason of the alteration of his features. If this was the relation he gave to the court of France, it is no wonder that Lewis treated him as an impostor, and ordered him to be gone out of his dominions in three days. But, notwithstanding the romantic air of the above account, I am by no means satisfied, that a whole people could be juggled out of their senses, when there were so many living evidences to detect the falsehood, and when the memory of the person in dispute was so recent. To satisfy the curiosity of the reader, I must inform him further, that the reigning countess, finding herself supported by the court of France, found means to seize the person of this count, and, after putting him to the torture, ordered him ignominiously to be hanged between two black dogs; she finding it easier, says an historian, to hang her father, than to restore him to his dominions.

His ignominious death.

Paris,

A difference between king Henry and Llewellyn.

The latter excommunicated by the pope. Rymer, vol. i. p. 282.

Treaty of marriage between Henry and the duke of Brittany's daughter. Rymer, vol. i. p. 283.

Remark.

The rest of this year was spent chiefly in acts of peace; the truce was renewed and prolonged between Henry and Llewellyn; the king fulfilled his promise, in procuring a husband for the daughter of the king of the Scots, by marrying her to the eldest son of the earl of Norfolk; and an alliance was set on foot between him and the earl of Thoulouse. But some misunderstanding appears to have happened, towards autumn, between Llewellyn and Henry. The former, it seems, refused to restore the lands of those minors, which had been committed to his custody; or effectually to perform any of the articles which had been agreed upon between him and the archbishop of Canterbury: for we find, this year, a bull of excommunication sent against him from Rome, for the above-mentioned reasons, the effects of which we shall see hereafter. In the mean time, the archbishop of Bourdeaux was strongly tempted by the French court, from his fidelity to the king of England; but Lewis finding him proof against all the great offers he made him, entered and ravaged his lands. The archbishop, upon this, wrote a very pressing letter to the king to be upon his guard, and remonstrated the bad effects which must attend the French barons joining with Lewis. But we do not find that this made any great impression at the English court. The treaty of marriage, between Henry and the daughter of the duke of Brittany, was now resumed; and there is a charter from Henry extant, by which he offers the duke of Brittany great advantages, if he would agree to the match. He particularly offers to restore to him the honour of Richmond in England, formerly annexed to the duchy of Brittany, in case the king of France should take from him his French estate, because of this alliance.

I have thought fit to throw together the above facts, though mentioned by none of our historians, because without them it is impossible for us to have any clear idea of the events of that time, either at home or abroad.

Henry, having kept his Christmas at Winchester, was attacked by a violent illness at

Marlborough, in the beginning of the year 1226. The submission of the kingdom to the see of Rome, though at first shameful, had hitherto, in some respects, been salutary. The pope conceived, that, in defending Henry, he defended his own rights; but the people of England, all this while, winked at it, not through principle, but conveniency. A crisis now approached, in which they were forced to declare their sentiments: for the bishop of Rome now resolved to draw somewhat from England more substantial than bare homage and dutiful acknowledgments, and somewhat more permanent than precarious collections and accidental perquisites. For Otho, the Roman legate, now demanded, that out of every cathedral church, the bishop should lay aside one prebendary, and the chapter another, for the support of the see of Rome; and that a monk's portion should be granted in every convent, and as much from every abbot, for the same purpose. This was to serve as a kind of a standing revenue, and to prevent, as the pope said in his letters, that very ancient reproach to the see of Rome, of every thing being scandalously managed, by means of money, at that court. This, he said, was owing entirely to the poverty of the holy see; he therefore very warmly recommended it to his dutiful sons of England, to prevent any such reproach for the future, by allowing her this provision. This impudent motion was treated with great indignation by the court of England; but that matters might be managed with some decency, a parliament was summoned to meet, about Hilary term, at Westminster. In this parliament the king was declared to be of full age. Then the proposition of the legate being taken into consideration, the archdeacon of Bedford, proctor for the clergy, told him, that as the king was detained by his illness from being present in the assembly, and as several prelates were absent likewise, they could give no direct answer to a proposition which so deeply affected the prerogative of the crown, and the interest of the English church. The legate was not to be put off with this answer, though the bishops, who held lay-fees of the crown, were strictly enjoined by the king not to suffer them to be charged by the bishop of Rome. The meeting of another parliament was demanded by the legate, to be held in Mid-lent; at which time he engaged the assembly should be full, and honoured with the royal presence.

The legate's demands,

disregarded by the court of England.

The archbishop of Canterbury, as head of the English church, thought himself most concerned in opposing these insolent encroachments. The legate had now gone to the north, to collect some arrears of procurations to the pope; and the archbishop managed his affair so well at Rome, that he procured his revocation, but could not prevail with that court to lay aside its favourite purpose. For the archbishop himself, being made legate, received from the pope an injunction, that another synod of all the prelates should be held, in presence of the king, which was to give a definitive answer to the

The archbishop of Canterbury made legate.



A. D. 1226.

The synod's  
answer to the  
pope's de-  
mands.

The pope  
sends inhibi-  
tory letters to  
king Henry.

Henry issues a  
proclamation  
for renewing  
of charters  
and grants un-  
der the great  
seal.

Another truce  
entered into  
with France.

William  
Long-espée  
earl of Salis-  
bury's history.

demand of Otho. This was accordingly done, and the answer was, "That as his holiness had made the same demands upon other churches, that of England should follow the example of compliance which should be set by them." This was by no means satisfactory to the pope, and he sent inhibitory letters, commanding Henry not to attempt any thing against the dominions of France, because Lewis had taken upon him the cross against the Albigenses.

But Henry, being now free from the tutelage of peers and prelates, found that the vast sums which the pope had drawn out of his kingdom, had anticipated his revenues, and had impoverished his exchequer. This put him upon several oppressive methods for raising money, towards an expedition which he now meditated against France. He ordered proclamation to be made, That all persons who claimed any liberties or possessions by his grant, should have them renewed, under the great seal, before the ensuing Lent. This expedient raised him a vast sum, and thinking himself now enabled to undertake the expedition, he ordered a parliament to be summoned. To this assembly the young prince imparts his earnest desire of going to his French dominions, that he might support his brother, who had lately received some checks from the viscount of Tours. He likewise lays before them the pope's inhibitory letters, and the difficulties he was under between his duty to the holy see and the pressure of his affairs. The parliament, who had been exactly informed of the state of affairs on the continent, knew well, that the king of France would receive diversion enough during his expedition against the Albigenses, to prevent his making any farther progress against the king's dominions in France; they therefore advised Henry to wait the issue of that expedition. The young king was determined by this advice; and we find, that about this time a new truce was entered into with France. The French historians have given us ridiculous reasons for this expedition being put off.

This year is distinguished by the death of two persons, who made a great figure in the history of their own times. The first was William Long-espée, or Long-sword, earl of Salisbury. This nobleman, as well on account of his quality as his merit, deserves to have the manner of his death particularly noted here. Upon recalling the English fleet from the late expedition in France, he had gone on board it; but was met by so rough a storm, that his ship was forced back to the isle of Ree, near Rochelle. Savory de Mallion, now in the service of France, was governor of this isle; and the earl, fearing to fall into his hands, applied for protection to an abbot. But finding himself very unsafe there, he was obliged again to go on board his shattered ship, which was in so miserable a condition for sailing, and met with so many accidents, that, according to Matthew Paris, it was three months before he got back to England. It is no wonder that, after so long an absence, he was sup-

posed to have perished in the sea. As his supposed wife was one of the greatest fortunes in England, the all-ingrossing minister, Hubert de Burgh, procured the king's consent that she should be married, provided she was pleased with the match, to one Raymond, who was his nephew and apparent heir. Accordingly the young gentleman began his courtship with great magnificence, and employed every mean that could touch the ambition or the heart of the dame. But as the king's permission had not deprived her of her free-will, she treated his addresses with vast disdain; she pretended, that she had some reasons to believe that her husband was still alive; but added, that supposing him dead, her quality, as the widow of so great a man, ought to put her above the insult of an address from so despicable a suitor. This answer so much discouraged the lover, that he discontinued his courtship. Soon after, the earl escaping from the dangers of the sea, appeared at court: he there demanded, from the king, justice upon Hubert de Burgh, for the mean arts he had employed in his absence, against the honour of his bed; and declared, that if he was denied justice from the throne, he would take it by his own sword. The judiciary appeared full of confusion at this charge; he asked pardon for what had passed, and made many rich presents to the earl to procure his forgiveness; nay, the earl, imposed upon by his seeming penitence, accepted of an invitation to an entertainment at Hubert's house. Here, it is said by our historians, he was poisoned by that perfidious minister. In him the crown lost one of its strongest supports, and the people one of their best friends. The death of Fowkes de Brent is fixed likewise to this time. His intrigues at the court of Rome had succeeded so well, that before his death he was restored to the favour of Henry, and was preparing to return to England when he fell into his last sickness.

As Henry grew up, an inordinate passion for arbitrary power discovered itself more strong every day: his flatterers, his clergy, and his courtiers, so much exhausted the royal exchequer, that he was in perpetual want, and constantly craving supplies. This put him upon oppressive measures; for a pretence was taken at this time, to extort five thousand marks from the city of London. The charge against the citizens was, their having lent the king of France the like sum. He likewise squeezed twelve hundred pounds from the citizens of Northampton, upon frivolous pretences: but he was now under the sole tutelage of Hubert de Burgh; for having kept his Christmas at Reading, he called a parliament, in the year 1227, at Oxford. There he again declared himself to be of full age, and his intention to govern without a regency. In consequence of this declaration, the bishop of Winchester, who seemed for some time to have enjoyed only the shadow of power, was removed from the council-board, and all places were filled up with the creatures of Hubert. But that minister now wickedly attempted a total subversion

The conduct  
and behaviour  
of his lady.

He is poison-  
ed.

Fowkes de  
Brent dies.

Henry de-  
mands 5000  
marks from  
the city of  
London.

and 1200 l.  
from the citi-  
zens of North-  
ampton.

Again declar-  
himself of age.



A. D. 1227.

and the great  
charter and  
that of the  
forests void.

subversion of English liberty; he advised Henry to begin his reign by declaring the great charter and that of the forests to be void, because obtained from his father by force, and confirmed by himself during his minority, when he had no power, either of his own person, or of the seal of the kingdom. The parliament was astonished at this declaration, and the complaints against Hubert were carried to a great height. The first recourse the minister had was, to intimidate the lower clergy and tenants of the crown, so as to prevail with them to apply for a renewal of their rights under the great seal. But here we are told, by our old historian, that the fines levied on this occasion, had no other rule than the avarice of the minister.

Lewis king of  
France dies.

The subjects  
of the crown  
of England in  
France desired  
to renew their  
allegiance to  
Henry.

Lewis king of France was by this time dead, in his expedition against the Albigenses. He was succeeded by a minor of twelve years of age, the celebrated Lewis IX, afterwards St. Lewis. The English thought this minority a favourable juncture for attempting the re-possession of their ancient estates in France; therefore, about the beginning of this year, the archbishop of York, the bishop of Carlisle, and Philip de Albiney, were sent into France, with a commission to use all means to prevail with the Normans, and the other tenants of those lands anciently held of the royal family of England, to renew their allegiance to Henry. Their hopes of success was great; for, about this time, Peter de Dreux earl of Brittany, together with the earl of March, father-in-law to Henry, declared against the government of France; but by the prudence of the queen regent, and her friends, the earl of Champagne being detached from the confederacy, the others returned to their duty. This entirely disconcerted the schemes of the English, and the commissioners were obliged to return without making any progress in their negotiation.

Hubert de  
Burgh made  
earl of Kent.

The earl of  
Cornwall dis-  
sents with  
Henry.

But the ambition and violence of the first minister, Hubert de Burgh, who was about this time created earl of Kent, exposed his master's crown and dignity every day to insults. For Richard earl of Cornwall, the king's brother, having now returned from France, found one of his manors possessed by one Walleran a German, who claimed it in right of a gift from king John. The earl, not being satisfied with the justice of this title, immediately dispossessed Walleran. Upon this, the latter applied for justice to the government, and accordingly obtained a writ from the king, commanding the earl to surrender to him the possession of the manor. The earl answered, That his earldom had been wrongfully disseized of that manor, neither would he surrender it back, but by the judgment of the king's court, and the nobility of the kingdom. This was touching on a tender point to the government; they were afraid that this spark, if not stifled in time, might again light up the brand of opposition, by putting the barons in mind of their own importance. The king therefore, says Matthew Paris, in a boisterous

hasty manner, ordered his brother either immediately to give up the matter in dispute, or to depart the kingdom for ever. The earl boldly answered, That he would take the benefit of the laws of the land; and that, without the judgment of his peers, he neither would part with his property nor his country. Upon this, he rushed out of the court to his own palace; from thence he went to Reading, and from thence to Marlborough, where he had an interview with his intimate friend the earl-mareschal. Hubert was alarmed at this quickness; he had advised the king immediately to seize his brother, as the only means of preserving the peace of the kingdom; but the earl escaping all his snares, he was afraid of bringing things to extremity. For the general dissatisfaction against Hubert, for his breaches of public liberty, now rose to such a height, that the earls of Chester, Gloucester, Warren, Hereford, Ferrers and Warwick, with a great number of other barons, and a fine body of troops, marched to Stamford, where a general rendezvous was appointed, and put the earl of Cornwall at their head. Their declared intention was, to have taken the benefit of the great charter, by forcing the king to do the justice he denied, and to restore the authority of their charters, which had been cancelled at Oxford. The insurrection was too general, and its grounds too justifiable, to be quelled by the force of prerogative alone. The minister, sensible of this, advised the king to an accommodation. Accordingly a meeting was held, by the heads of both parties, at Northampton; where, if I mistake not, public was sacrificed to private interest: for the earl of Cornwall, the head of the confederacy, seems to have been detached from the common cause by the great concessions made him on the part of the king. For all we find done on this occasion, was, that Richard should be put in possession of his mother's dowry, and all estates belonging to the earldom of Brittany within England. Our historians do not particularly mention what was done with regard to the charters.

Reconciled.

Those commotions at home made it the more expedient for the minister to strengthen himself abroad. Accordingly, this year, we find, that he entered into several treaties; Rymer, vol. i. one with the duke of Bavaria, another with p. 252, 253. the emperor, and another with the princes of the empire, by which he proposed to marry the daughter of the king of Bohemia, or some German princess. A truce was likewise concluded with France, from the 17th of July 1227, to the 24th of June the ensuing year. A truce with France. Rymer, vol. i. p. 294.

But those foreign measures had no effect upon the Welsh. The king had given Montgomery castle, lying on the borders of Wales, to his minister, now earl of Kent. The latter gave orders for cutting a road through an adjacent wood, which was immediately set about by the garrison and the country people. But the Welsh, well knowing how unpopular the earl was, and how dissatisfied the army was with his administration, ventured

The Welsh  
rebel.

tured



A. D. 1229.

tured to attack, and cut in pieces, the workmen employed in the wood, and then to besiege the garrison. The king, upon this, with the earl of Kent, raised the siege, at the head of a small body of troops, and pursued the enemy as far as the monastery called Cridie, a place so advantageously situated, that the earl advised the king to build a castle there. But, notwithstanding this success, Henry found the aversion of his troops so strong against the minister, that he was obliged to make peace with Llewellyn upon very dishonourable terms; for Llewellyn only paid him three thousand merks for all the charges of the expedition, and not only obliged him to demolish the castle he had begun, but to retire from Wales, and leave in his hands William de Brause, a noble baron, who had been taken prisoner. Thus every petty power, some time or other, finds means to insult a government that has lost the affections of their people.

Death and character of Stephen Langton.

But England this year received an irreparable loss, by the death of Stephen Langton archbishop of Canterbury. This prelate may be justly called one of the restorers of English liberty. He no sooner had it in his power to be independent, than he acted with that spirit. His great character and possessions excellently well seconded the labours of the regent; and the part he acted in all public commotions was such as became the first peer of England, and a sincere lover of his country.

The succession to this see was an important point to the court. The monks of Canterbury immediately chose one Walter de Hemisham, a fellow mean in his birth, scandalous in his life, and grossly ignorant in his function. The king refused to confirm this choice, but was at some loss how to bring the pope over to his side; he therefore, about the beginning of the year 1229, sent over the bishops of Chester and Rochester, with the archdeacon of Bedford, to negotiate the affair at the court of Rome, against Hemisham, who had repaired thither in person for confirmation. But that mercenary see, regardless of every thing but interest, neglected the strongest remonstrances of the ambassadors, till they engaged, in their master's name, to pay to his holiness a tenth of all moveables in England and Ireland, to support him in his war against the emperor of Germany, who had been excommunicated. This argument prevailed; Hemisham was found unqualified, and his election undue.

Hemisham's election declared void by the pope.

Henry invited over by the noblemen of France.

The civil commotions in France began now to be renewed; and the restless nobility of Gascony, Aquitain, Poictou, and part of Normandy, sent a solemn deputation, inviting Henry to recover the estate of his family, promising to assist him to the utmost of their power. But the dissatisfaction at the measures of the ministry was too strong, at this juncture, for Henry to think of a foreign war; the minister therefore advised his matter to dismiss the deputies (at the head of whom was the archbishop of Bourdeaux)

with a smooth answer, but declining the invitation.

A. D. 1229.

The late convention with the pope was so scandalous, that the court had industriously concealed it, till one Stephen came over from the see of Rome, to collect the tenths, which had been stipulated. The king and the ministry alone knew the occasion of his errand. A meeting, therefore, was summoned of all the nobility, both spiritual and temporal, all the rectors of churches, and all who held of the king in chief, at Westminster. In this assembly the publican opened his commission. The members in general, thinking that the impudence of the demand would give as much offence to the king as it did to themselves, imagined that he would receive a severe check from the throne, and thought it decent to let the first opposition come from that quarter. Stephen had purposely avoided any mention of the compromise, and therefore the assembly was the more amazed, when Henry, by his eyes, seemed to approve the motion. They were therefore constrained to speak themselves, which they did in very loud terms of dissent. After many alterations, in all which the nobility absolutely refused to subject their fees to the demands of the Romish see, it was at last proposed, that a piece of money should be given, in full of the pope's demands. But this falling far short of what was required, the collector and the court made a secret compact with one Stephen de Seagrave, who was in great credit with the other party; but on this occasion he betrayed them: for, by his management, the demands of the pope were at last gratified, the party in the opposition being intimidated by repeated threatenings of excommunication. But the avarice of the see of Rome has been always known to grow in proportion as it has been gratified. For the collector now produced letters from the pope, empowering him to collect the tenths, without any manner of deduction, either for debts or expences, and out of all profits whatever. The same powers implied, that the prelates and others should immediately lay down what was due for the tenths of the clergy, and their fees; and afterwards indemnify themselves, by levying it on the people by way of tax; and all this was to be done under pain of excommunication and interdiction. Usurers likewise had been provided by the publican, who advanced money upon the goods of the needy, and upon church plate, to the utter ruin of the one, and the loss of the other. The dread of excommunication all this time was so strong upon the spirits of the English, who had experienced its effects, that this intolerable exaction was submitted to by all the kingdom, excepting the earl of Chester, who never would suffer it to be paid by clergymen or laymen within his earldom.

The pope's legate demands the tenths.

Those shameful oppressions, however, seem to have opened the eyes of the king, young and unthinking as he was, to the conduct of the minister. He saw himself hampered by a dis-

Henry imposed upon by his minister.



A. D. 1229. a disadvantageous truce with France; while all his subjects, of the ancient inheritance of his family there, were calling upon him to come to their relief. He could be no longer imposed upon; it was plain, the minister had entered into a dangerous and unnatural connection with the court of France; and Henry was privately informed, that he had received a bribe of five thousand merks to embarrass the English councils. Henry, therefore, resolving no longer to be guided as he had been, gave orders this year, on Michaelmas-day, for all his military attendants to rendezvous at Portsmouth, with an intention to pass over to France. The spirit of the English was then very high against the French. The great barons, and other military tenants, were fully in hopes of recovering their family estates in Normandy; and the king, openly disclaiming the conduct of his minister, reconciled all ranks of people so much to his service, that he got together the largest army that had ever been known, at one time, to be under the command of a king of England. But we are to remark, that the declared end of his expedition brought together vast numbers from other places, besides England. The Normans, upon the several revolutions and changes of government, both in France and England, had settled in vast multitudes in Wales and Ireland; but more particularly in Scotland and Galloway, which last is even at this time marked by Paris as a separate province. Henry, therefore, giving out his intention of recovering all his French dominions to their ancient possessors, all who had, or imagined they had, the most distant pretences to estates in France, flocked to his standard. Such were the concurrent causes which brought together such a vast army.

Intends to go to France.

The king betrayed by his minister.

The French writers themselves own, that the preservation of France, at this juncture, was owing to the correspondence entered into between that regency and the minister; for the latter, whose power was absolute, had neglected to issue the proper writs to the Cinque-ports, or to take the usual measures for assembling together such a number of transports and other vessels as was sufficient for carrying over one half of the forces. This incensed Henry (who now, in imagination, possessed certain conquest) to such a degree, that he branded his minister with the name of traitor, reproached him with the five thousand merks he had received as a bribe from the court of France, and, drawing his sword, would have killed him on the spot, had not the earl of Chester interposed. The expedition being thus frustrated, the earl of Brittany, who still was in arms against the court of France, came over to England in the beginning of October. He was a bold, turbulent nobleman; but finding the season of the year too far advanced, he advised Henry to put his expedition off till the following spring. In the mean time, the irresolution of Henry got the better of his resentment against his minister; for we find no proceeding against him. The earl of Brittany was likewise restored to all his family

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estate in England, and Henry making him a present of five thousand merks, he returned to France for a short time. A. D. 1230.

The king goes to York.

This year the king held his Christmas at York, where, by his own order, he was attended by the king of Scotland, with a prodigious retinue of bishops, barons, and knights. Henry's late alliance with the king of the Scots had been very beneficial to his concerns, as it had detached that prince from all his connections with the barons, whose cause thereby lost one of its main supports. But the time now approached for resuming the French expedition; Henry therefore made a fresh demand upon his subjects for a supply, which was again granted; with particular hardships to the citizens of London, who could never be forgiven; and to the Jews, who were obliged to part with the third of all their substance. This enabled him to muster up a fine army at Portsmouth, from whence he set sail the last day of April, attended, according to our old annalist, by the earl of Brittany, who had by this time returned to England. The fleet, by some accident, was separated, and put into different ports; but without any damage. The king himself landed at St. Malo, where the earl of Brittany not only renewed his homage, but ordered the gates of all the principal places in his estates to be delivered up to the English, and prevailed with many of the nobility to follow his example. The young king of France, who even at that age discovered a surprising genius, immediately got together his army, and, imagining that Henry intended to penetrate into Poitou, posted himself behind Angiers, which he had taken some time before. But Hubert de Burgh, now earl of Kent, had regained all his fatal influence over his master. By his counsel, Henry continued at Mans, waiting till all his army should be assembled; and thus neglected making any advantage of the dissensions among the French nobility, who were now destroying Champaign with fire and sword. This inaction encouraged the king of France to advance within four leagues of Nantes, and besiege Ancennis. The nobility of Brittany, who were of the French party, took heart upon this measure, and renewed their homages to the crown of France; particularly Andrew lord of Viterie, who fortified his castle, and, with other three noblemen, swore fidelity to the French, encamped before Ancennis. All this could not rouse Henry from the lethargy into which he was lulled by the arts of his minister. His conduct now became ridiculous and contemptible; it was publicly said, that he only came into France to take his diversions. Ancennis had been taken without his making any one effort to relieve it; the French army continued their approaches towards Nantes, and made a motion as if they intended to besiege the castles of Oudon and Chateaucieux, which they took in sight of the English army, and then continued their excursions even up to the gates of Nantes itself. Feasts, balls and entertainments, dancing, revelling and riot, employed Henry and his

Henry's inactivity and bad success.

Ancennis taken.



A. D. 1230. court during all this time. The brave were disgusted by his conduct, the poor were ruined by their expences, and all exclaimed against the minister.

But though this is the account given us by our historians of this campaign, and though perhaps great part of it is true, I cannot resist the opportunity which here offers, to give my readers Henry's own account of it, as I find it in a letter of his to the emperor, dated from Bourdeaux, and which has been disregarded by all our historians. This letter never appeared in English, and is an eminent instance of the inaccuracy which our writers have been guilty of in transmitting to us transactions which happened out of England; since it gives us a quite different idea of this campaign, from what we have of it in their works.

Letter from king Henry to the emperor of Germany. Rymers, vol. i. p. 325, 326, 327.

To his Imperial majesty the emperor of Germany, the king of England wisheth health and prosperity.

" Desiring to inform your serene highness  
" of our proceedings and success, we acquaint you, that in confidence of certain  
" treaties stipulated between us and Hugh  
" earl of March and Angoulême, and Isabella queen of England his wife, at their  
" desire, and by advice of some other noblemen of Poitiers, whom we believed to  
" be our sincere friends, we came with some  
" of our retinue to Poitiers; and staying  
" for some time there, we had a meeting  
" with the said earl of March and others, to  
" consider how to proceed against the king of  
" France, who, contrary to a truce concluded between us, had made extraordinary  
" reprisals, both by himself and his subjects, against us and our vassals. At  
" length, by the advice of our friends, we  
" have several times, by a special deputation  
" for that purpose sent him, entreated the  
" king of France to make good these reprisals; and he very courteously answered  
" our deputies, That he would very willingly deliver up to us and our subjects  
" whatever was disleised from them, provided we would do the same to him and  
" his vassals. And after sending our deputies two or three times to meet, in order  
" to recover and receive what had been forcibly taken from us and our subjects, the  
" king of France's deputies met one day,  
" and, after long reasonings upon the matter, departed without coming to any resolution. They declined appearing another  
" time, at a certain place appointed, after  
" our deputies appeared there, and were  
" ready to perform whatever justice required. Upon this, it was thought expedient by  
" us and our council, that we were not  
" obliged to keep the truce any longer, since  
" the king of France failed on his part to  
" make satisfaction for these captures and  
" interceptions; which we accordingly intimated to him. And thus the truce being  
" broke through his default, by advice of  
" our faithful subjects, we made war upon

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" him, being well assured of success, by the  
" help of God, if the earl of March, and  
" others our subjects of Poitiers, had been  
" faithful to us, and stood firm to our interest. But it is quite otherwise, as will be  
" evidently seen by what follows. Marching  
" then from Poitiers to Xantonge, where  
" we stopped a few days, we arrived at  
" Taunay upon the river Charent, where  
" our soldiers had an opportunity to distress  
" the king of France himself, who then laid  
" siege to the fortresses of the earl of March  
" and his followers, and became master of  
" them without opposition; seeing the earl  
" left these forts destitute of soldiers, and  
" some of them without garrison. During our  
" stay at Taunay, we had a treaty with Galfrid de Raunconer lord of Tayleburg, who  
" was to swear allegiance to us; and upon  
" those terms we granted him a truce, not  
" to harass him. Notwithstanding, we  
" advanced with our whole army before the  
" town of Tayleburg, and pitched our tents;  
" and then we could have taken either that  
" town, with the castle, if we had crossed  
" the Charent at Taunay, or have broken  
" down the bridge while we lay before  
" Tayleburg: so that the king of France,  
" who was on the other side, could not  
" come over to us, if we had not been imposed upon by Galfrid of Raunconer, by  
" the treachery and villany of the earl of  
" March, and Reginald of Poitiers. Trusting then that Galfrid would continue faithful to us as he promised, we returned to  
" Xantonge; and during our stay there, like  
" a traitor, and forfeiting his honour, he  
" went over to the king of France. When  
" we heard that the king of France advanced  
" from the other side of the river towards  
" Tayleburg, we marched thither also, to  
" dispute his passage; which when we were  
" not able to effect, having brought with us  
" but few English soldiers, and because the  
" king of France was much superior to us,  
" with advice of our friends, we retired  
" back to Xantonge. Upon the festival of  
" Mary Magdalen, after the king of France  
" had passed over the bridge of Tayleburg,  
" his soldiers thinking to have surprized  
" the town of Xantonge, where we were,  
" while my soldiers were at supper or asleep,  
" advanced towards us with a strong body,  
" in an impetuous manner; but our men,  
" blessed be God, though unprepared and  
" guardless, met them, and making a stout  
" resistance, a bloody and desperate engagement ensued, in which several of the French  
" were slain, many were wounded and taken  
" prisoners; of our soldiers, several were  
" wounded, and some taken prisoners. At  
" last, the enemy, despairing of success, retired in confusion to their tents. Having  
" stayed till next morning at Xantonge, we  
" marched from thence towards Poitiers, the  
" earl of March having left the town and  
" castle of Xantonge without a garrison, or  
" necessary fortifications; so that the king  
" of France, upon our retiring, immediately entered them, being left thus destitute  
" and



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“ and defenceless. Perceiving we could not  
 “ with safety stay at Poitiers, presently, up-  
 “ on the king of France’s advancing, we  
 “ marched to Barbezile, leaving a sufficient  
 “ garrison in Poitiers. But immediately  
 “ upon our leaving that town, Reginald of  
 “ Poitiers, bidding us farewell, and saluting  
 “ us with a Judas kiss, by his conduct soon  
 “ discovered his villany, as did also the earl  
 “ of March, who went over to the king of  
 “ France: so that if we had not, with great  
 “ caution, prevented their villanous and  
 “ treacherous designs, by marching with  
 “ our army, by night and day, to Blois,  
 “ they would have delivered us up, and all  
 “ our soldiers, into the hands of the king  
 “ of France, as they treacherously intended,  
 “ like traitors, and basely forfeiting their  
 “ word and honour. Therefore, not being  
 “ able to make any longer stay among those  
 “ treacherous Poictovins, without great dan-  
 “ ger to our kingdom and soldiers, we came  
 “ to Gascoigny, where we had a meeting  
 “ with our beloved cousin Richard, earl of  
 “ Tholouse, March. and Proven. who came  
 “ in person to meet us, about reforming our  
 “ French dominions, and settling affairs  
 “ there. But, after we had passed the river  
 “ Gyrunde, having left a good garrison at  
 “ Blois, we halted over-against the town,  
 “ because the king of France had advanced  
 “ thither with his army to besiege it; but  
 “ after he encamped for fifteen days within  
 “ two miles of the town, he durst not ap-  
 “ proach nearer, though, in the mean time,  
 “ several of his soldiers had pretty smart  
 “ skirmishes with our garrison; and at length  
 “ returned home to his own territories. We  
 “ thought proper, therefore, to inform your  
 “ Imperial majesty of those things; at the  
 “ same time earnestly desiring, if any other  
 “ accounts of our proceedings should, through  
 “ the malice or envy of our enemies, come  
 “ to your ears, to our prejudice, to look  
 “ upon them as false and spurious. Besides,  
 “ we would further acquaint your serene  
 “ highness, that in several parts of Burgun-  
 “ dy we could have very powerful friends,  
 “ who, in case of necessity, would assist  
 “ us with all their forces, was that coun-  
 “ try in the hands of any other than the  
 “ duke of Burgundy; which your serene  
 “ highness may manage, if you study our  
 “ advantage, as well as the increase of your  
 “ honour and crown.  
 “ Signed by the king at Bourdeaux, the  
 “ 19th day of September.”

But an opportunity now offered, which,  
 if Henry had seized, might still have indem-  
 nified him for all the trouble and expence  
 of this expedition. For one Fowkes Paga-  
 nelle, and William his brother, two noble-  
 men of vast interest in Normandy, came to  
 Henry’s court at Nantes, attended by sixty  
 brave knights, and invited him to enter  
 Normandy with his army, laying before him  
 the vast probability of success. The advantages  
 of this proposition were so evident, that  
 Henry himself could not help approving it,  
 and hinting that he was ready to embrace

it. But a prince who has a sole minister, A. D. 1230.  
 has no will of his own. The earl of Kent <sup>The trea-</sup>  
 disliked the proposition, and the Normans <sup>chery of the</sup>  
 were sent off, not only to their great disap- <sup>earl of Kent,</sup>  
 pointment, but ruin; because the court of  
 France ordered their estates immediately to  
 be seized, for their correspondence with the  
 enemies of that crown. This treason of the  
 minister was the more remarkable, as the  
 deputies from Normandy offered Henry,  
 that, if he would but give them two hun-  
 dred knights out of his army, they would  
 undertake, without any farther expence to  
 him, to drive all the French out of Nor-  
 mandy. But even this proposition was re-  
 jected by the minister, under pretence that  
 it was sending soldiers to certain death.

Neither the insults of the French, nor the  
 intreaties of his friends, being able to awaken  
 Henry, the season being now far advanced,  
 and want, with mortality, beginning to af-  
 fect the English army, the government of  
 France laid aside all their fears. The young  
 king, with his mother the regent, accord-  
 ingly withdrew to Paris, where a reconcilia-  
 tion among the great men of the kingdom  
 was set on foot, and, happily for that crown,  
 succeeded.

The minister took advantage of this ab-  
 sence, to save appearances at least, and, by  
 his advice, the king drew his troops out of  
 Mans, and marched by Poictou into Gas-  
 coigny. There he received the homages of  
 many noblemen; and returning to Poictou, <sup>Henry taken</sup>  
 he took the castle of Mirabel, and obliged <sup>Mirabel by</sup>  
 many of the refractory Poictovins to make <sup>assault.</sup>  
 their submissions; which they did, after he  
 had taken the castle of Mirabel by assault.  
 About the middle of October he returned  
 to Nantes, where he renewed his luxurious  
 living; so that most of the poorer noblemen  
 and gentlemen who attended him, found  
 themselves under a necessity of pawning their  
 very horses and arms to defray their necessa-  
 ry expences. Many applications had been  
 made to the court of France for prolonging  
 the late truce; but, as it appears, without <sup>Rymer, vol. 3,</sup>  
 effect. Henry, therefore, was obliged to <sup>P. 315.</sup>  
 grant a farther subsidy to the duke of Bri-  
 tanny, and he engaged, about this time, to  
 furnish him with four hundred knights, and  
 a hundred esquires, who were to serve on  
 horseback; and likewise to pay three hun-  
 dred knights, and a hundred esquires. Af-  
 ter this, he took a resolution of going to  
 England, and leaving in France five hundred  
 knights, with a thousand esquires, under the  
 command of the earl of Chester; the earl  
 mareschal, and the earl of Albemarle. Henry  
 setting sail, landed at Portsmouth on the  
 26th of October; but no sooner was he <sup>The success</sup>  
 gone, than the generals he had left in France <sup>of the Eng-</sup>  
 took the field with so good success, that they <sup>lish generals</sup>  
 made an irruption into Anjou, where they <sup>in France,</sup>  
 took the castle of Gontier, which they de-  
 molished, and burnt the town. They next  
 fell into Normandy, where they committed  
 great ravages; and, in particular, took and  
 razed the castle of Pontarsù, after burning  
 the town. Winter was too far advanced  
 for them to make any farther progress, they  
 therefore

Henry invited  
 into Norman-  
 dy.



**A. D. 1230.** therefore returned into Brittany with a vast booty; having shewn, by those short expeditions, what the whole army might have done, had it taken the field in season, and been commanded by a proper general.

The state of  
Ireland at  
this time.

Before I close the transactions of this year, it is proper to connect the history of Ireland with a transaction which happened at this time. We have already seen, that that people were entitled to all the privileges of the great charter of English liberty. Soon after this, a writ was sent over by the English government, directing the lords spiritual and temporal of that kingdom to assist Geoffrey de Marisco, the high justiciary there, in the execution of his office. This was followed by another writ, which gives us no contemptible idea of the progress which the English had made in civilizing and improving that country, since we find England itself beholden to it for a supply of provision (1). We likewise find this people assisting the king with money, to pay off some engagements he had entered into with the court of France. A little before the death of the regent, Geoffrey de Marisco was succeeded in his post, as high justiciary, by the archbishop of Dublin. Under his government the young earl mareschal, and Lacy earl of Ulster had great bickerings with one another; but the former, as we have already seen, was obliged to attend his affairs in England, and about the year 1224, it is probable, that the earl mareschal of England was made lord high justiciary of Ireland. Henry, in the fifth year of his reign, granted to the city of Dublin, towards walling their city, three-pence out of every sack of wooll, six-pence for every last of hides, and two-pence out of every barrel of wine sold in the city; and afterwards he gave them fifty merks in money to the same purpose. It was about this time, likewise, that the writs were sent from England to the ports of Ireland, requiring them to fit out and arm a certain number of gallies for their defence. All this time the English laws were not only making great progress there, but we find that the people, the clergy in particular, paid several considerable subsidies to Henry. The administration of the earl mareschal was attended with one happy effect, in reducing to his duty Hugh de Lacy, who likewise received his pardon, and afterwards performed a particular piece of service to the English. For about the year 1226, a writ being sent to the lord justice, commanding him to seize, and deliver to Richard de Burgh, the kingdom of Connaught, upon his paying a certain rent for the same, the Irish grew greatly dissatisfied. The king, after this, requiring the presence of the earl mareschal, Geoffrey de Marisco was again made lord high justiciary, with a yearly pension of five hundred merks. But the absence of the earl mareschal now encouraged the Irish to break out into open rebellion. Their confederacy con-

The Irish re-  
bel.

isted of no fewer than twenty thousand men; and in the year I am now treating of, 1230, they took the field, with an intent to expel all the English from Ireland. At their head was O Connor the late king of Connaught, who had become popular among them by his sufferings from the English government, and his army daily increased to such numbers, that they appeared able to compass what they had threatened. The justiciary had no other recourse than by calling to his assistance Lacy and Richard de Burgh, with their military tenants. A general battle ensued, in which the Irish, according to the English authorities, lost no fewer than twenty thousand men, their general the king of Connaught being taken prisoner by the English. But it is now time to return to England.

Henry, after keeping his Christmas court at Lambeth, opened the year 1231 by holding a parliament at Westminster: his excessive expences in France made it now necessary for him to demand a scutage of three merks for every knight's fee from all his barons. This demand was submitted to by all but the new archbishop of Canterbury, who opposed it by alledging, that ecclesiastics ought not to be taxed by or with laymen. This altercation was followed by a high quarrel between the archbishop and the minister. The latter had possessed himself of the castle and town of Tunbridge, which had belonged to the late earl of Gloucester, who, as the archbishop alledged, ought to have done homage to his see; but the king insisted upon his prerogative of disposing of the wardships of earls and barons during their minority, and supported the claim of his minister. Upon this the archbishop excommunicated all who had entered upon the estate in dispute, and all (the king excepted) who should converse with them. The matter was then brought before the court of Rome, where each party sent their proctors.

A scutage of  
three merks  
granted to the  
king.

While this matter was in dependence, the earl of Cornwall, brother to the king, married the countess dowager of Gloucester, sister to the earl mareschal, who soon after died. His death encouraged Llewellyn the prince of Wales to renew his incursions with a great army. The annals of Margan tell us, that his progress was very great in South Wales, and that he burnt down the city and church of Chester; but could not take the castle, which was garrisoned by one Morgan, the son of Howel, and some of his attendants. This nobleman, it seems, made so brave a resistance, that, falling out upon Llewellyn, he destroyed a great many of his men, some being drowned, and others taken. Llewellyn, upon this, was obliged to retire towards the mountains, and revenged himself upon the estates of his enemies. Henry was at Oxford when the news reached him. An army was immediately

Richard earl  
of Cornwall  
marries.

The Welsh  
rebel.

(1) There was also a writ sent to the lords spiritual and temporal, to assist the lord-chief-justice in the king's service; and another writ, for a thousand bacon, two ship-load of corn, and a ship-load of oats. *Mandatum est justiciario Hiberniæ; quod mittet in Angliam mille bacones, et duas navatas frumenti, et unam navatam aveni.* Cox's Hist. of Ireland, p. 8.



A. D. 1231. raised, Llewellyn was excommunicated, and the English moved towards Wales, appointing their rendezvous to be held at Hereford. Llewellyn, by this time, had laid siege to Montgomery castle; and the cunning Welshman had found means, by the mediation of a monk, to draw the soldiers of the garrison into an ambuscade, where all of them were taken, or cut in pieces. The account of this disaster hastened the king's approach; but the Welshman was too wise to venture a battle. He retired to his fastnesses, whither Henry durst not venture to pursue him; but the English made use of this respite to rebuild Maud castle, and then Henry returned, in October, to England, after an expensive expedition.

Maud castle rebuilt.

The king of France defeated.

A truce with France.

Design of the minister to ruin the Pembroke family.

That earl sentenced to banishment.

The earls of Brittany and Chester were now at the head of the English troops which had been left in Flanders. Their successes in the preceding winter had drawn, this year, the young king of France very early with his troops into the field. His intention was to invade Brittany, where the headquarters of the English and their main resources lay; but the two English generals took their measures so well, as to intercept his carriages, with all his provisions and military engines. Henry was in no condition to improve those favourable incidents. He found money very difficult to be got, and the pope backward to support his cause, under pretence that those quarrels in France prevented the zealous from prosecuting the crusades. On the other hand, nothing was more desirable to the French regency than a respite from war. A truce was therefore concluded for three years, and the two generals came over to England.

A succession of great men in the Pembroke family, and the office of earl-mareschal of England, had rendered it very powerful and popular. As the maxim of all upstart ministers naturally lead them to crush the great nobility, so the earl of Kent now formed a scheme to ruin Richard earl-mareschal and Pembroke, who had succeeded his brother. For when that nobleman demanded to be admitted to pay his homage to the king, that he might be qualified to hold his estates, the king, by advice of his minister, told him, That he could not be admitted until it was certainly known whether, or not, the widow of his brother was with child. But as this was but a poor and momentary expedient for delay, another pretence was fallen upon to ruin the earl, and that was a charge of having held a correspondence with the king's enemies in France. Henry, upon this, ordered the earl, in a summary way, to be gone out of the kingdom in fifteen days; threatening him with perpetual imprisonment if he should ever be again found upon English ground. The earl immediately obeyed; but went over to Ireland, where his interest was very powerful. There he was joyfully received by all the friends and followers of his family, and he took possession of all his estates and castles in that kingdom. Passing from Ireland into Wales, the castle of Pembroke surrendered into his hands, with all its ap-

purtenances. After these successes he raised a body of men, and openly declared his intention of doing himself right by force of arms, if the king continued to deny him justice. The minister, though he had great personal, yet was master of very little political, courage. He was afraid to venture so gross a violation of the great charter as those proceedings, if continued, would imply. He wrought upon his master to change his mind, and the earl was fully reinstated in all his patrimonial inheritance.

Richard earl-mareschal restored to his estates.

The archbishop of Canterbury continued still to entertain a violent resentment against the minister. He found it in vain to combat with the interest of the court, and therefore undertook a journey to Rome, that he might lay the state of the kingdom and the church before the pope, as superior of both. He there remonstrated upon the unlimited power of earl Hubert, who, without admitting any of the nobility into the council, engrossed all the direction of affairs. He next enlarged upon the deplorable state of the church of England, where the clergy intermeddled so much in secular affairs, as to neglect the duties of their function. The archbishop was answered by the ministers agents; but the pope paid very little regard to the remonstrances of the latter, and the archbishop carried his point; but died in his return to England.

The archbishop of Canterbury goes to Rome.

His death.

Towards autumn, this year, Henry having finished the building of a castle in Wales, took into consideration a match proposed between himself and the youngest sister of the king of Scotland. It is probable that this match was suggested by the minister for strengthening his interest, he having married the eldest daughter. The party in the opposition, therefore, at the head of which were the earls of Brittany and Chester, laid hold of this circumstance to dissuade the king from the match, as if it had been, for that reason, derogatory to his honour; and the minister, not chusing then to embroil himself with the nobility, dropped the proposal. But the earl of Kent, not relishing the high credit which the earl of Brittany was daily acquiring with the king, advised his being sent back to France. There is a certain degree of authority which some ministers gain over their masters, and which proceeds neither from love, nor esteem, but habit. Though Henry was secretly displeased with Hubert, yet he went into all his schemes; and the earl of Brittany, after receiving a subsidy of five thousand merks, returned to France.

Project of a marriage between Henry and a princess of Scotland.

The earl of Brittany returns to France.

Ralph Nevil, bishop of Chichester, had been chosen archbishop of Canterbury; but was refused confirmation by the pope. This brought a kind of an interregnum into that see, which was very favourable, in many respects, for the court of England. For Henry, after keeping his Christmas at Winchester, held, in the beginning of the year 1232, a parliament at Westminster. There he declared the low estate of his finances, and the necessity of discharging the great debts he had contracted, by a general supply.

Henry demands a supply.



A. D. 1232.

which is re-  
futed by par-  
liament,

and the clergy.

Reflection.

Insurrection  
against the  
Italian clergy.

The earl of Chester was chosen by the barons for their speaker. As he was a nobleman of great spirit and some turbulence, he boldly answered the king, "That the earls, barons, and knights who were present, and who held of him in chief, had expended their own money so lavishly in his service, that they were almost beggared, and were in no condition to furnish the required supply." All the lay part of the assembly, signifying their assent to this declaration, took their leave and departed. It may be proper here to observe, that, according to the words of my author, the knights who held in capite of the king were admitted at this time into parliament; but it is observable, that the earl of Chester seems to have been speaker for all the lay part of the assembly. The answer given by the clergy was upon this occasion dilatory and unsatisfactory, as that of the laity was bold and peremptory. They said, "That they were not assembled in a full body, since many abbots and others who had been summoned had not come up, and therefore demanded farther time to consider of the demand." The court easily saw into the reason of this request, but was obliged to comply, and the 15th day after Easter was appointed for the next session.

The condition of the English at this juncture was truly deplorable. The court of Rome had found the secret of balancing the parties of the court and the people, so as to be able to throw the weight into what scale she pleased. Both parties were sensible perhaps of this; but each was jealous of the other, and this jealousy always gave credit and influence to the papal power. Hence it happened, that by this time his holiness had found means to introduce his Italians into some of the best livings in England; and, by his favour, they lived in grandeur and affluence, amidst general penury and bankruptcy. But professions, as will ever be the case where oppression is violent, now gave way to feeling. The people neither would nor could any longer brook their abuses. One William Witham, or rather Robert Thing, or Twinge, had been aggrieved by the pope. This man put himself at the head of a party against the Romanists. Their houses and barns were broken up, their money and corn distributed, and a general expulsion of the Romanists was threatened; but, before matters came to that extremity, the pope had received intelligence how affairs went. Things had not been upon a good footing, between the minister and the pope, ever since the late archbishop of Canterbury had carried his point against the court of England: this rendered the government little solicitous to prevent the disorders upon this occasion; nay, the minister was himself loudly accused of abetting and encouraging them. This determined the pope to be the more vigorous in checking those disorders, which now threatened the utter extinction of his influence in England. He first wrote to the king, reproaching him for suffering such enormities; and commanding him, un-

der pain of the severest ecclesiastical censures, to set on foot an immediate enquiry against the authors. But not trusting the execution of this to the king, he himself appointed a commission of inquest, consisting of the bishop of Winchester and the abbot of St. Edmundsbury for the southern division; and the archbishop of York, the bishop of Durham, with John, an Italian, who was canon of York, for the northern. When this inquest came to sit, it was found that the whole of the disorder had been secretly planned and fomented by the government. The king indeed seems to have been intirely ignorant of the design; but many of the English clergy and civil magistrates were found to be deeply concerned. Some were imprisoned, others fled, and at last the minister himself was found to have encouraged the insurrection. As to the ringleader Twinge, he avowed the fact, and obtained the king's commendatory letters to the bishop of Rome, praying that he might be remedied in some grievances he pretended to have suffered.

The court of Rome could be no longer at a loss to know to whom all the late insults she had lately suffered were owing, and she therefore, at all events, determined to ruin Hubert with his master. A fit opportunity now offered; for a new archbishop of Canterbury, one John, a sub-prior to the monks of Canterbury, having been chosen into that see, the pope refused to confirm his election, for no other reason but because he dreaded that he would prove a creature of the minister. This deprived Hubert of the powerful support he expected, and the Exchequer being now so low, that he was unable to supply the king with money, gave great advantages to his enemies. The court of Rome improved all those circumstances to her own purposes; but an incident which happened about this time finished the ruin of the minister with his master.

For the Welsh, under Llewellyn, now renewing their insolences, the bishop of Winchester, and other of the ministers, suggested to Henry the reproach which his suffering insults from that people reflected on his dignity. The king answered, "That he was obliged to put up with every insult. I am told, continued he, by the officers of my treasury, that the revenues of my crown are scarcely sufficient for furnishing me with victuals and cloaths, and defraying the necessary works of charity." "That, replied the others, is owing, sir, to yourself, since you dispose of and alienate your revenues so injudiciously, that you are known to be king by name only, and not by your grandeur or riches." They then put him in mind of the great figure which his predecessors had made upon the same revenues, with better oeconomy; and, in short, wrought so effectually, as to make him thoroughly sensible that the contempt and poverty into which he was fallen was owing to the minister alone. It required no great art to wind up Henry's resentment against a minister who had thus so grossly be-

A. D. 1232.

The rioters  
confused.Proceedings  
thereupon.Causes of the  
fall of the mi-  
nister.The Welsh re-  
new their vio-  
lences.The poverty  
of Henry.



A. D. 1232.  
Here reforms his  
finances.

set and deceived him. He put himself in the hands of Hubert's enemies; he ordered his officers to enter upon a strict enquiry into the abuses of his revenue, and all delinquents, whether sheriffs, bailiffs, or collectors, to be punished. Ralph Breton, treasurer of the chamber, was removed, and fined in a thousand pounds, for malversation in his office; and a Poictovin, one Peter de Rivaulx, appointed in his room.

The bishop of  
Winchester  
succeeds as  
first minister.

Stephen de Se-  
grave made  
high-justici-  
ary.

Hubert prose-  
cuted.

His defence.

The affections of weak minds are generally in extremes, either of love or hatred; moderation is peculiar to fortitude, and evenness to good sense. Henry had violently loved, and now he as violently hated, his minister; but was without resolution. His chief confidant was Peter bishop of Winchester, uncle to the lately-created treasurer of the chamber, a bold, aspiring minister, even aiming to shew his address by driving the chariot of government near the most dangerous precipices. By his advice Hubert was next disposed, and Stephen de Segrave (the same who had betrayed his country in parliament) was made high-justiciary of England. Henry, at the same time, ordered earl Hubert to be ready to give an account of all the money and revenues, of whatever kind, which had passed through his hands, during his administration, both under John and the present king. This treatment seemed very severe in Hubert's eyes, the rather as it is said he had obtained a patent for his post during life. He produced a charter of king John's, by which he had a general acquittance from all sums, and other matters, in which he was concerned. He pleaded the merits of his long and faithful services both to the king and his father, who, he said, had such confidence in his honesty, that he never would bring him to any account. The discovery of this last circumstance was incautious, and seems to have given rise to the treatment he afterwards received; since a minister who is never brought to an account of what passes through his office, may well be supposed under great temptations of purloining the public money.

Reply thereto.

Farther arti-  
cles.

The bishop of Winchester accordingly told Hubert, that he could not plead the late king's charter of acquittance in bar of the proceedings of the present king. But this charge of mal-administration was soon followed by another; for, in a few days, articles were exhibited against him for having, by his letters, dissuaded the duke of Austria from agreeing to the marriage between his daughter and Henry; of his having overpersuaded the king from invading Normandy during the late expedition, to the great waste of his treasure, and impoverishment and dis-appointment of his nobles. He was likewise charged with having debauched and married the sister of the king of Scotland, whom Henry had delivered into his custody, with a view of marrying her himself; and that he had done this unworthy action from the ambitious prospect of succeeding to the crown of Scotland, in case the young lady should survive her brother. Several other articles, of less import, were preferred against Hubert,

who, in this winter of his greatness, now found himself deserted by all the insects of his power, the archbishop of Dublin alone remaining his friend.

A. D. 1232.

But with the above charges, for which there was but too good foundation, others, of a false improbable nature, were invented by those who thought they might now safely insult fallen greatness, or be revenged on the injuries they had, or thought they had, received from the minister. For, besides the death of the earl of Salisbury, which we have already related as it is found in Matthew Paris, he was charged with poisoning the earl-mareschal, the archbishop of Canterbury, and Fowkes de Brent; with having employed arts of forcery to engross the king's affections, and, in general, with all manner of exactions and oppressions in his office. But that which, of all others, seems to have been the best founded, because admitting of the clearest proof, was that urged by the city of London, for the part he had acted in the punishment of Constantine, and the other rioters.

Had Hubert been as innocent as he was an obnoxious minister, it would have been impossible for him to have stood this shock of the peoples clamour, swelled by the impeachments of his rivals, and the displeasure of his prince. With difficulty he obtained a respite, from the beginning of August to the 14th of September following, for preparing his answer to this heavy and complicated charge. During this interval, he retired to the priory of Merton; and so high did the spirit of the court beat against him, that all subjects, who had any charge against him, were invited by proclamation to prefer it.

Hubert retires  
to the mona-  
stery of Mer-  
ton.

But all this zeal did not proceed purely from the love either of justice or revenge; other considerations intermingled with it. Henry and his new minister knew how obnoxious Hubert had been to the nobility and people; they therefore thought that his prosecution, if carried on with a flaming spirit, would smooth the way to the grants of money; since there was now a prospect of its being better applied, than it had been heretofore. For when the parliament met, about the 14th of September, the fortieth part of all moveables, belonging either to ecclesiastics or laics, was granted to the king for discharging his engagements with the earl of Brittany. But earl Hubert being called upon to put in his answer to his impeachment in this parliament, it was understood that he declined leaving the sanctuary to which he had betaken himself, till the king and his ministers should seem disposed to hear him with more equal temper. Henry, upon this, in a rage, ordered the mayor of London to bring him alive or dead. This order would have been both joyfully and punctually executed by the Londoners, had not the earl of Chester (who hated all courts, and all ministers, especially those in post) interposed. That nobleman understood that the Londoners, to the number of twenty thousand, had risen; and that some of the most

Politics of  
Henry's mini-  
stry.

A farther sup-  
ply granted.

Hubert orders  
ed to be  
brought by  
forceto justice.



A. D. 1232.

most sober citizens had repaired to the bishop of Winchester, whose palace was in Southwark, and consulted him in what manner to proceed in so delicate a matter; and that the bishop had told them, that in all events the king's will must be obeyed. Upon which the earl, demanding an audience of Henry, remonstrated upon the danger of encouraging popular commotions, and the reproach which must attend the king's character abroad, if the minister, who once had ingrossed his affections, should be delivered up to the rage of an insolent rabble. Henry was convinced; he revoked his order; the citizens retired murmuring, but obeying.

Hubert visits  
his wife at St.  
Edmundsbury.

Hubert, by the intercession of his good friend the archbishop of Dublin, had the time for giving in his answer prolonged till the middle of January ensuing. Hubert imagined that the patent, by which he got this indulgence, was an ample security to his person in the intermediate time; he therefore ventured to leave his sanctuary, and to pay a visit to his wife, who was at St. Edmundsbury. Upon this, the king sent Geoffrey Cracombe, at the head of three hundred men, to bring him prisoner to the tower of London. Hubert, having notice of their approach, retired to a small chapel, where he took sanctuary, with a cross in one hand, and a host, taken from the altar, in the other. Matthew Paris has told us, that being ordered to go out of the chapel, and he refusing, he was dragged by force; and that a smith being sent for to make shackles for his legs, the compassionate tradesman refused the office, being touched with the distresses of one, whose courage and constancy had saved his country and the royal family. But this violence, offered to a holy place, is very industriously disclaimed by the composition or judgment which is found upon the records in the tower, the substance of which, as containing an authentic account of this remarkable proceeding against the first minister, I shall give my reader. The record says, That the pope wrote to Henry to correct the injuries Hubert de Burgh had done to the Roman church, and the Italian clerks here in England; and that, thereupon, the king sent to arrest his body, and bring him before him to answer for that thing especially. Hubert, having notice of this, fled into a chapel; and those that followed him, though they had no order to do it, took him out of the chapel, and carried him to London. When the king heard of this, being desirous to maintain the liberty of the church, commanded him to be carried back to the same chapel; in which, when he had stayed many days, he was asked, whether he would remain in the chapel, or go out and stand trial in the king's court, concerning the injuries, and other things, which should there be objected against him by the king, and many others, who many ways complained of him. At length, he voluntarily chose to come out, and stand to law; yet he begged the king's mercy, and so went out; and the king's officers that were there present, received him, carried him to London, and delivered him to the

A smith re-  
fuses to make  
fettors for  
him.

[Brady.]

The proceed-  
ing, as in the  
records.  
Brady, p. 552,  
553.

constable of the tower. The king, not satisfied, sent Stephen de Segrave then justiciary, John de Lascy earl of Lincoln, Brian de Lisle, and others, to know whether he was forced, or went out voluntarily: He answered, he went out freely, and not for want of victuals or any other thing; and that he was ashamed he had stayed there so long. Then the king commanded he should be out of the custody of the constable of the tower, that he might come freely to his court; and so he came to Cornhill in London, upon the eve of St. Martin, and appeared before Richard earl of Cornwall, William earl Warren, Richard earl-mareschal and Pembroke, John earl of Lincoln, Stephen Segrave justiciary, Ralph Fitz-nicholas, and others the king's tenants or feodatories, there being; where, when he was accused, he would make no defence, nor undergo the sentence of the court; but submitted himself to the king's pleasure, concerning his body, lands, and goods. The king, at the instance of the great men, and the petition of Hubert and his friends and relations, and by the permission of those that accused him, repited the judgment, notwithstanding it was drawn up in court, and voluntarily granted him these terms: That having delivered to the king all the lands, tenements, and liberties which he held of him in capite, and of king John his father, and all writings and instruments that concerned them, then he should have and retain the lands and tenements which descended to him from his ancestors, and all the lands and tenements he held of others than the king; yet so as he should answer to all his other accusers, according to the custom of the kingdom; and all his chattels, wheresoever they were, as well gold, silver, money, or other goods, and his body, to remain at the castle of the Devises, in the custody of Richard earl of Cornwall, William earl Warren, Richard earl-mareschal and Pembroke, and John earl of Lincoln, until he was delivered by the common council of the king, and of all the aforesaid barons his keepers, and of all the great men of the land. And if he should, by any ways or means, break, or endeavour to break, prison, then the judgment was to take effect; and wheresoever, or by whomsoever, he should be found, he was to be used as an outlaw.

The account which Matthew Paris gives of this transaction, informs us, that he was brought up to London fettered and chained; and that the king gave him three things in his choice, whether he would go into perpetual banishment, or be condemned to perpetual imprisonment, or throw himself upon the royal mercy, by acknowledging the charge. He likewise tells us, that when he was forced out of the chapel, the bishop of London remonstrated so sharply upon that violence done to a holy place, that the king, in great terror, ordered him to be remanded back to his sanctuary; but commanded the sheriffs of Hertford and Essex, with their people, in their own persons, to surround the chapel, so as that Hubert should neither

A. D. 1232.

Offers made  
to Hubert.

escape,



A. D. 1232.

Hubert surrenders himself to the king.

escape, nor receive the least sustenance. This severity, at last, obliged the earl to surrender himself as above; but still protesting his innocence, and offering to retire out of the kingdom for some time, but not for ever.

Delivers up his treasure.

Paris.

The thing, however, which saved Hubert's life, seems to have been his delivering up a large sum of money, which he had lodged in the hands of the great master of the Temple. This restitution mollified the needy king; and when Hubert's enemies urged, that his even saving so great a sum was a proof of his guilt, since he never could have done it by legal means, Henry, in answer, recounted the services he had done to his family and himself, and represented the barbarity and ingratitude of putting such a man to death. But, perhaps, Henry would not have ventured to have so slightly censured an obnoxious minister, had not the earl of Chester died about this time. He was succeeded by the nephew of the king of the Scots.

Peace with Llewellyn.

Llewellyn prince of Wales, or, as we find him designed in the papers of this year's date, prince of Aberfraw, was now grown old, and seemed sincerely to wish for a reconciliation with the crown of England. Accordingly we find, that all matters in dispute between him and the king are submitted to the determination of Ralph bishop of Chichester and chancellor, Alexander bishop of Litchfield and Coventry, Richard earl-mareschal and Pembroke, John de Lacy earl of Lincoln, constable of Chester, Stephen de Segrave justiciary of England, and Ralph Fitznicholas the king's steward; together with Indenevent, Llewellyn's steward, Warran his brother, Iman Vachen, and David the clerk. It is remarkable, that in the writ by which this reference is established, Llewellyn is stiled both prince of Aberfraw, and lord of Snau-den. These titles, perhaps, he thought were less invidious than that disputed one of prince of Wales; but the respectful manner in which Henry treats him, even so far as to give him the title of his majesty, is a proof that this prince maintained all the real dignity of his predecessors.

State of affairs in France.

Affairs in France now went very untowardly for Henry: his great ambition was to possess himself of some of his patrimonial estates there; but his past behaviour gave his allies, the earl of Brittany in particular, a mean opinion of his abilities and principles. On the other hand, the young king of France, rendered more cautious by the late check his arms had received, bore so hard on the Bretons, that that earl proposed to submit, if, before the end of November, he was not relieved by a powerful army from England, headed by Henry himself. Lewis agreeing, the earl went over about the latter-end of October; but we find no effect of his solicitations at the court of England during that year.

Rymer, vol. i. p. 329.

The bishop of Winchester's bad conduct.

The bishop of Winchester, all this time, acted with more absolute authority than ever Hubert de Burgh had done, and in a more wicked manner. Knowing the king's passion for foreign acquisitions, he industriously in-

culeated the necessity of employing Poictovins, and his other French subjects, in all public offices in England; laying before him, at the same time, the turbulence of the English, the pliancy of foreigners, and the prospect of arbitrary power. Polydore Virgil informs us, that he had advised his master to treat those who were grown rich under him and his family, as so many sponges, by squeezing them into his Exchequer. But those acts of resumption, in a prince, are no other ways justifiable, than as the estates resumed had been wantonly or wickedly granted. This minister seems to have made no distinction between rewards arising from real services, and those from ill-judging favour. In short, the historians of these times intimate, that a whole inundation of foreigners now broke in upon England. The natural-born subjects of this crown were dispossessed of all places, either of trust, honour, or profit. The king threw himself absolutely into the hands of the prelate and his nephew. No less than two thousand Poictovins, knights and gentlemen, came over, and were rewarded with forts, castles, and wardships of young nobility. All access to the king, for redress, was carefully precluded by the ministry; and, at last, the aspect of things was such, as threatened to bring the English, of all denominations, into a state of vassalage to those foreign intruders. But all the arts and violence of the court could not efface the memory of the great charter, and the glorious struggles their ancestors had made for liberty, out of English minds.

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Polydore Virgil.

Foreigners advanced to public places.

Paris.

Paris.

Polydore Virgil.

The barons associate against the king.

The minister takes into pay a foreign army.

Richard earl-mareschal, with a spirit worthy of his high blood, openly inveighed against the administration, even to the king's face. He reproached him for his ingratitude and folly, by this unnatural alienation, both of his affections and interest, in favour of needy, greedy, griping foreigners. He then most humbly besought the king to put a stop to those abuses which threatened the very extinction of his royal dignity; concluding, that if he continued deaf to this advice, he and the other nobility of the kingdom thought it their duty to withdraw themselves from his councils, so long as they were influenced by foreigners. The bishop of Winchester, who was grossly ignorant of the English constitution, history, and manners, answered, That the king had been so ill served by the English, and they had so persecuted his father, that his trusting foreigners was the only expedient he had left him for his own safety. He added, That the king was resolved to put the defence of his person and crown in the hands of foreigners, by whose assistance he hoped soon to be in a condition to subdue the haughty, rebellious English. Henry assenting to this answer, the earl-mareschal and the other nobility retired from court, and then made a solemn association to stand by one another, even to the dividing of soul from body. Then each of them went to his own country.

The minister, instead of endeavouring to dissipate, thought of opposing, this storm. He contracted in Flanders, and other coun-



*A. D. 1233.* tries, for great numbers of soldiers, who were to pass over to England; but before transports could be provided, affairs in England took a new turn. For the earl-mareschal, and the other nobility, saw the nation in the same condition it had been in when the great charter was extorted from John, and when prince Lewis was called into England; they therefore put themselves in arms; and the minister, to gain time, advised his master to invite them to a parliament to be held at London. The noblemen could have had no pretence for refusing this invitation, could they have accepted it with safety; but so many foreigners had dropped into the kingdom, who all held themselves in arms, and were ready to execute the minister's commands, that they thought it highly imprudent to trust their persons in his power. They therefore insisted upon it as a preliminary, that he should banish the bishop of Winchester, and all his foreign dependants and soldiers, out of the kingdom; and to intimidate Henry the more, they declared, that if he persisted in his courses, they would treat concerning a new king.

The king summons a council to be held at London.

The earl of Cornwall defects the associates.

This passionate step, so directly contrary to the tenor of the great charter, seems to have disconcerted all their designs for that time; it gave the minister vast advantages; and some of the chief men in the confederacy, beginning to be sensible they had gone too far, and perhaps won over by great terms to the interest of the crown, now deserted the association. Of those, the principal were, the earl of Cornwall, brother to the king, and the earl of Chester, who both secretly made their peace. The minister, becoming more insolent by this desertion, advised his master to proceed by arms, and to require hostages of all the principal persons he suspected. To give the better colour to this, the parliament, which had been proclaimed, was held at London. Thither the two earls, of Cornwall and Chester, with the earls of Lincoln, Ferrars, and others, repaired; but with an armed force, their heads being yet unwilling to own their having forsaken the cause in which they had so solemnly engaged. But the earl-mareschal's sister, who was countess of Cornwall, discovered the secret, and sent private intelligence to her brother, intimating, that he was to be sacrificed, others having made their peace. This reasonable advice alarmed the earl; he fled into Wales, with those who still continued firm to the association, and there he entered into a confederacy with the prince of Aberfraw; and others of the great men of Wales; one of the conditions of the confederacy being, That no peace should be made, but by general consent; and this they sealed with an oath. The parliament, which was then sitting in London, proceeded very heavily in their business. It seems as if the noblemen who had been lately reconciled, had refused to enter into all the violent courses of the minister. They laid hold, therefore, of the absence of the earl-mareschal, and his friend Gilbert Basset, who had been highly aggrieved by the court, as a pretence for putting off any

final resolution. But the minister, having thus divided the party, proceeded more boldly than ever. By his advice, and that of his creature Stephen Segrave high-justiciary, all who held in military service were summoned to repair, with their horses and arms, to Gloucester. There, the earl-mareschal not obeying the summons, he and his adherents, particularly Gilbert Basset and Richard Siward, were declared traitors. In consequence of this, the king fell with his troops into the estates of the proscribed, burning their towns, assailing their castles, destroying their parks, and bestowing their forfeitures upon foreigners. All this was done without any judgment of parliament, or of the peers of the proscribed; and the royal army being daily reinforced by fresh supplies of foreigners, the king increased his violences. At last he marched to Hereford, the earl-mareschal still continuing upon the defensive. From Hereford the bishop of St. David's was dispatched by the king, with a commission to provoke him to battle; but this having no effect, his castles were besieged. One of them, however, made so good a defence, that the season advancing, and Henry being in despair to take it by force, he entered upon a treaty with the earl, who consented to put it into the king's hands, provided it was restored in fifteen days. It was farther stipulated, That all the earl's grievances should be laid before parliament, and he was to stand to its award. Henry then returned to London; but the time for the restitution of the castle being expired, he refused to give it up; and the mareschal besieging it, retook it.

The earl-mareschal and barons proscribed, and their estates given to foreigners.

The earl-mareschal stands upon the defensive.

The English were by this time highly exasperated against the court, and the minister valued himself on the merits of his personal services to the king. A parliament, however, being held in October at Westminster, the national interest made a strong stand. The late violation of faith with the earl-mareschal was very flagrant, the rather as the minister himself and the high-justiciary of England were sureties for the performance on the part of the king. If Henry discovered his attachment to any set of men besides foreigners, it was to the preaching friars and minors. The English party got these upon their side, and they, with the nobility, made a solemn remonstrance to Henry upon his partiality to foreigners, with the severe and cruel treatment of his own subjects. The minister was startled at this, and was obliged to have recourse to a scandalous distinction. He answered, in his master's name, That there were no such peers in England as in France; and that the king, in person, without any intermediate judgment, might banish whomsoever he pleased out of the kingdom. This bare-faced avowal of his intention, with one bold stroke to cut in pieces every right which Englishmen held dear, spread a fresh alarm through all the kingdom, and none shewed more resentment than the clergy. They very plainly told the minister, That they would excommunicate him and his cabal by name, particularly Peter de Rivaulx treasurer of the

The king's partiality to foreigners.

The clergy threaten to excommunicate the justiciary.

chamber,



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chamber, Stephen Segrave high-justiciary, and Robert Paffilau. The minister, presuming on his consecration by the pope, affected to despise this threatening, and advised his master to support himself by force of arms. The bishops, however, had the spirit to put their menace in execution; and, upon the king's demanding that they should excommunicate the earl-mareschal, they flatly refused it, he having, as they said, done nothing but by the laws of his country. The sword was again drawn on both sides. The king summoned his military tenants to Gloucester the day after All-saints day, in the year 1233. The earl-mareschal still maintained his alliance with Llewellyn, and being no stranger to Henry's intentions, resolved as much as he could to act on the defensive; but had the precaution to destroy all the country on the borders of Wales, through which the royal army was to march. Being thus deprived of means of subsistence, the thoughtless prince was obliged to withdraw his troops (who were mostly foreigners, few English chusing to serve in such a quarrel) to the castle of Grosmont in Monmouthshire. Here the army pitched their tents under the walls of the place. But the troops of the mareschal surprizing them in the nighttime, made themselves masters of all their carriages, money, and provisions. It was in his power to have put the whole to the sword; but he gave an exalted proof of his moderation and duty. Two rash soldiers alone fell, the rest were spared by the particular commands of the mareschal, who retreated before day-break to his fastnesses. Henry, amazed, confounded, and ashamed at this sudden blow, made the best of his way to Gloucester, after committing the care of the marches of Wales and the town of Monmouth to Baldwin de Gynnes, and a strong body of foreigners.

The earl-mareschal's moderation.

The active earl being now no longer under any awe from the presence of the prince to whom he owed his allegiance, formed a design of besieging Monmouth. With this view he advanced against the place with his army; but, as he was reconnoitering the walls with a thin retinue, Baldwin de Gynnes made a sally, at the head of a strong body of the garrison. The mareschal might have avoided meeting them, could he have been persuaded to have retired; but this being beneath his high courage, a most desperate conflict ensued, in which the mareschal, after performing wonders, and killing numbers with his own hands, was very near being carried off prisoner, when Baldwin de Gynnes received a wound, which his followers thought mortal, and by this the earl escaped. But the mareschal's army had now marched up, and finding the great danger of their ge-

neral, they put to the sword all the assailants, and then the mareschal seems to have retired to the abbey of Margan.

Hubert de Burgh, notwithstanding all his unpopularity while a minister, was so much outstripped in wickedness by his successor, that he had now found many not only to pity, but to befriend, him. He remained at this time still a prisoner in the castle of the Devises, and the minister, being ever jealous of his practices, had begged of the king the government of that castle, and the custody of Hubert's person. The latter well knew, that, if he fell into the hands of his declared enemy, certain death would ensue. He therefore made his escape to an adjacent parish church; but his keepers, fully sensible of the importance of their charge, followed him thither. Though he had put himself under the protection of the cross, which he held in his hand, after unmercifully beating him, they dragged him back to his prison. The bishop of Salisbury, on hearing of this insult offered to a holy place, immediately went to the castle, and demanded that Hubert should be replaced in the church. The guards not complying, they were excommunicated, and he, with the bishop of London, and other prelates, went in person to court. The king durst not resist their solicitations in favour of Hubert. The only point his minister could not gain upon him was, his aversion to spilling the blood of so old a servant; but, on this occasion, he again prevailed with him, that, if Hubert was remanded back to the parish church, he should be so strongly guarded by the sheriff of the county, as to be obliged to surrender himself for want of sustenance. But, to mollify a little of this rigour, one Ralph de Bray, and one Ralph de Norwich, as his commissioners, were sent from court, with orders to propose to Hubert, that he should either abjure the kingdom, or stand his trial. It appears that Hubert, who was a man of invincible resolution, would consent to neither; in which case the militia of the country were commanded to obey the orders of the commissioners, in strictly guarding the church. But little obedience seems to have been paid to those commands; for it is certain that Hubert continued from the 15th of October to the 30th of the same month within the church, and then, by the assistance of his friends, he made his escape.

Hubert de Burgh dragged out of a church where he took sanctuary.

Proposals made to him, which he refuses.

Hubert escapes.

The earl-mareschal remained still at Margan, where he had a conference with a minor monk, which being of itself extremely curious and instructive, and never yet appearing in English, I have translated in the notes (1): but the conference coming to nothing, I find the remaining part of this season

(1) About that time, as the earl-mareschal lodged in the abbey of Margan, a brother of the order of the minors, named Agnellus, came to him the Thursday before the Nativity, who was a particular favourite of the king's, and his counsellor, to inform him what had passed at court concerning him. He said, he heard it from the king's own mouth, that, notwithstanding the earl-mareschal had behaved so basely toward him, forgetting all that had happened, he was inclinable to forgive him, and grant him not only a full and ample pardon, but as much of the revenues arising from the county of Hereford, as would be an honourable maintenance for him. And, at the same time, the government had imparted the terms of his pardon to two friends of the mareschal, whom he might safely trust; but this was on condition, that they should not discover, either to the mareschal himself, or any other person, the manner of his indemnity; and he was to submit, though he was ignorant of the nature of his remission. From other courtiers he had it, that it was necessary, advantageous, and safe for the mareschal to submit;

Baldwin de Gynnes wounded.



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season passed without any accommodation.

Henry, however, to keep the marshal and the disaffected in awe, kept his Christmas this year at Gloucester; but his court was

extremely thin. The English nobility in general were in their hearts with the earl-marshal; they looked upon his cause as that of common liberty; many of them,

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submit; it was incumbent upon him, because he had rebelled against the king, seeing he attacked, burned, and destroyed the king's demesnes, before the king offered any violence to his (the marshal's) person or estate. And if he should plead, that what he did was in defence of his person and estate, they may deny the assertion, since no harm was ever intended to either; neither ought he, upon such presumption, to rebel against the king, until he was fully convinced that such violence had been designed against him, and then he might be excusable in making those attempts. The marshal answered the monk, "As to the first (That I ought to surrender myself, because I invaded the king's lands) it is false, because when I was always ready to stand to the judgment of my peers in the king's court, which I several times demanded by my deputies, and was as often refused it; yet, at the same time, the king, in a hostile manner, attacked and seized my estate. Hoping by my submission to please him, I voluntarily entered into a treaty of peace with him, very disadvantageous to myself; in which treaty it was stipulated, That if the king would not perform his part, then I was to be in the same situation as before, that is, that I should pay him no homage, nor swear him allegiance. Since then the king had failed in every article of the treaty, it was reasonable for me to recover my right, according to my agreement, and to weaken his power; especially as he breathed nothing but my utter destruction, and the disseizing my estate. All this I am certain of, and can easily prove, if there is a necessity for it. And what is still more, after a fifteen day's truce, before I entered Wales, or defended myself, he deprived me of my office of high-marshal without any formal judgment, which by hereditary right belongs to me; neither would he, by any means, reinstate me in my office: from all which I easily concluded, that he would not be reconciled to me, since after this treaty he used me worse than before. Thus I am not his liegeman; but, by his own means, am discharged from my allegiance to him, according to the said treaty and agreement. Therefore, I say, it was and is lawful for me to defend myself, and to baffle the malice and designs of him and his council.—Next, the king's counsellors say, That it would be my advantage to submit myself to the king's mercy, as he is richer and more powerful: Though I should depend upon the assistance of my confederates, yet the king can bring seven to the field to one that I can bring, as he has allies (who are neither Scots, French, nor Welsh) who can over-power his enemies, and can come in such swarms as to cover the very face of the earth. To this I answer, That the king is both richer and more powerful than me, I acknowledge; but he is not more powerful than God, who is justice itself, and in whom I trust, both for the preservation of my right, and of that of the kingdom of England. Neither do I trust in foreigners, nor do I much desire their friendship or assistance, unless (as God forbid it should be my case) I should be reduced to the greatest necessity. For I am credibly informed, that the bishop of Winchester is under obligation to the emperor of the Romans, to bring the whole kingdom of England under subjection to him; and therefore he particularly raised this war, that from such advantages he might increase the power of the emperor, and aggrandize himself. And this seems still the more probable, because in our late differences with the king he left England, and in a violent passion swore, that he would bring as many foreigners into England as should cover the face of the land. Alas! how much ought we to suspect and dread these mercenary Poictovins! Well may we apply that of the poets to them, *Timeo Danaos et dona ferentes*. I pass over in silence the wicked resolution and execrable oath sworn by the bishop of Winchester and earl of Chester at Bedford." The king's counsellors plead also, That it would be safe for the marshal to surrender himself to the king's mercy, since he may safely confide in the king and his council; in the king, because he is merciful and good-natured (and then the royal soul is easily softened when it meets with gentle compliance); in his counsellors, because they never did any harm to the marshal, nay, in reality, they love him. To this the marshal replied, "That it was very possible the king was of a forgiving temper; but he is carried away by the advice of those who have done us the greatest mischiefs, and whose snares we have still reason to dread and to beware of: and that the king is as noble in his temper as he is by birth, and easy to forgive, may be also very true in itself; but with respect to his counsellors, I can safely declare, that they never yet kept their word with me. As to his ministers never meaning me any harm, it is false, because they have occasioned all my distress, and to them I principally owe all my misfortunes; neither can I, nor ought I, to believe them when they say they love me, unless they shew it by their actions and conduct, which hitherto they have not done; for action is the test of life. They have violated the most sacred oaths, even with respect to the earl of Kent, to whom they all three swore several times; which they basely forfeited and broke, as well touching the said earl, as their oath with respect to the liberties of the great charter, which they also violated; for which they were excommunicated, and declared perjured persons. They are perjured with respect to the wholesome advice they swore to give the king, when, in every thing, they gave him an Achitophel's counsel, and that even contrary to all justice. Stephen de Segrave also has perjured himself, who swore to the observation of the just and established laws of the kingdom; but both broke those laws, and introduced extraordinary ones in their stead. Neither God nor man ought to trust him or his adherents; are they not all excommunicated? And, as the philosopher expresses it, *Happy the man whom the misfortunes of others render cautious*." The king's counsellors plead also against the marshal, That he attacked the king's person at the castle of Grosmont, before the king had entered his territories; and by so doing, did violence to the king; wherefore he ought to submit himself to the king's clemency, and do homage, lest others, following his example, should rebel against the king. To this the marshal made answer, "That with respect to himself, he was not present at that attack; there might be some of his followers present, who might attack the king's party, but not his person; and yet, if they had, it could be no wonder, seeing the king entered his estate with an army, in order to distress him in all shapes; which was plain to every body, by the tenor of his writs, issued throughout all England for my destruction. Seeing then the above charge against me is false, and that it is also true that the king, at the very time I expected his favour, behaved worse to me than before, and still continues the same disposition towards me, and is over-ruled by the advice of my implacable enemies, I therefore don't think it proper to surrender myself to his clemency. Neither would it be for the honour of the king, that I should comply with his pleasure, which is unreasonable in itself; nay, I should be guilty of a manifest injury, both to him and to those just laws whereby he ought to govern his subjects; and would give a bad example to others, of declining the lawful prosecution of rights, for the sake of complying with the king's erroneous will; and that contrary to all justice, and in manifest prejudice of the rights of the subjects. For from this it would follow, that we are more attached to our temporal interests, than to justice itself." The king's counsellors also accuse the marshal, That he entered into a confederacy with several great men, enemies to the king, such as the French, Scots, and Welsh; and this he has actually done, not only out of hatred to the king, but to the ruin of his native country. To this the marshal replies, "That as to the French, it was utterly false; and as to his combining with the Scots and Welsh out of hatred or ill-will to the king, it was equally so too; only he entered into a league with the king of the Scots, and Llewellyn prince of Wales, who were no enemies to the king, but remained his faithful friends, until they were obliged to forsake him for the many oppressions done to them, both by himself and his ministers. And for this reason, says the marshal, I have entered into a confederacy with them, that we might, when united, maintain our rights better than when separate, and strenuously defend our liberties, of which we have been unjustly deprived, and in a great measure robbed." The king's council also alledge, That the marshal ought not to depend upon his accomplices in the confederacy, since the king, without any detriment to the nation, could bring them over from the alliance of the marshal. To this the marshal made answer, "That he had not the least doubt of that; but, from such a conduct, the injustice of his ministers would evidently appear, who would put the king to any unnecessary expences, with respect to the confederates, to his prejudice, who always continued true to the king, until he failed on his part; and would still be the same, if he would but do him and his adherents justice, and restore them to their privileges." The king's ministers urge further, That the pope and see of Rome have a tender regard for the king and his kingdom, and will excommunicate all his enemies; and that this seemed to be the present case, as he had already sent for a legate. "With respect to the pope and see of Rome, the marshal was satisfied, that the greater esteem they have for the king and his kingdom, the more they will press him to do justice to his subjects; and he should be glad to have the enemies of the kingdom excommunicated, who advise the king to act contrary to justice, whose conduct discover their inward sentiments; because justice and peace are inseparable; therefore, when the right administration of justice fails, peace of course must be violated. As to the Roman legate's coming to England, he should be very glad of it; for the more candidly he examined the justice of his cause, the more shamefully would his enemies be confounded. And though I have thus particularly enumerated my hardships, I say the same for all my allies and confederates, for whom I plead as well as for myself, and without whose concurrence I can act nothing which can contribute to a lasting peace between the king and me." *Matt. Paris, fol. 268, 269.*



<sup>A. D. 1233.</sup> the prelates especially, held a correspondence with him. He had early intelligence of all designs formed for his ruin; but the presence of a king, and the strength of foreigners, over-awed all considerations. Soon after Christmas, one John de Monmouth, a creature of the minister, formed a project for surprizing the mareschal; but the latter, apprized of it by his faithful friends, counter-worked him so effectually, that Monmouth's party, which was very numerous, were themselves surprized, and cut in pieces. This success determined the mareschal to make severe reprisals on the estates of the king's foreign counsellors; and he accordingly laid them waste with fire and sword, all along the borders of Wales, as far as Shrewsbury, which, on this occasion, was taken and burned to the ground.

A project to surprize the earl-mareschal,

The prelates made use of this success as an argument for Henry to come to some agreement with the mareschal; but the latter, wholly prepossessed by foreign counsellors, turned a deaf ear to all the remonstrances of the prelates, and his other English noblemen. For though he saw himself abandoned by his natural-born subjects, yet trusting to fresh supplies from abroad, he chose to leave a vast tract of land in the power of the mareschal, and to retire with his court and foreigners from Gloucester to Winchester; declaring, That he would make no peace with the mareschal, unless the latter would come with a halter about his neck, and, on his knees, before the throne, acknowledge himself a traitor.

who rejects the king's proposal.

These dishonourable terms being rejected by the earl, he fell with fresh fury upon the estates of the king's advisers. The Poictovins found themselves almost entirely ruined; and the minister saw himself on the point of being deprived of all his foreign assistance, unless he could oblige the mareschal to retire out of England, to the defence of his great estate in Ireland. With this view, he and his accomplices, without deigning to consult with the king, whose irresolution they dreaded, secretly wrote to Maurice Fitzgerald, then high-justiciary of Ireland, to the Lacys, and other leading men there, inviting them to fall with fire and sword upon the mareschal's estates; promising, that if they succeeded, and could seize the person of the mareschal, they should have a gift of all his lands. These propositions were afterwards confirmed to the same persons, under the great seal, surreptitiously obtained; upon which the Irish nobility, to whom it was directed, raised an army, and attacked the estates of the mareschal, with a view of obliging him to come over to their defence.

This dark transaction was carried on with the more earnestness, as Henry had now sense enough to perceive into what a weak, desperate state his government was reduced. A parliament was appointed to be held on Candlemas-day, 1234. The king there, by advice of his minister, loudly charged some of the prelates for their correspondence with the mareschal; but he found the assembly in a very different temper from what he ex-

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pected. The prelates joined, as one man, in the common cause; they were well seconded by the temporal nobility; nor, so far as we know, was there a man in the whole assembly bold or abandoned enough to endeavour to screen the minister and his foreign counsels. Henry, amazed at this desertion, found how he had been deceived. To come to any decisive resolution at once, was too terrible to the irresolution of his temper. But the prelates persisting, that they should excommunicate all who should dare to oppose the subjects of England in directing English councils, he was at last obliged to promise, that he would reform his council as soon as his ministers had given up their accounts. This condescension was sufficient to pacify men who opposed only for the sake of justice, and all departed satisfied with the promise of the king.

<sup>A. D. 1234.</sup> The prelates desert the king.

All this time the wicked plot of the minister in Ireland had but too good effect. The earl-mareschal was distracted, between the protection he owed to his friends and vassals there, and his engagements in England. He being willing, however, to postpone the more private to the more public duties, waited the result of the next meeting of parliament, which was summoned to the 9th of April, at Westminster. Here the archbishop of Canterbury, with the other prelates and noblemen, remonstrated so firmly and effectually, that, on this occasion, at last, a happy reconciliation was made between the king and the people of England. The minister was ordered to retire to the spiritual concerns of his bishopric: his nephew and underling, Peter de Rivaulx, escaped ignominious punishment, only by his being vested with the character of a clergyman; but was obliged to yield up his castles, and to leave the court. The Poictovins and foreigners were, with disgrace, dismissed the king's service, and driven out of the kingdom; Henry declaring, that he never again desired to see their faces. In short, the administration was restored to the hands of Englishmen, and foreigners became now as despicable as before they were insolent.

Their conduct.

Let it be told, to the honour of the English church, that the liberties of England were then saved by her. The independency of her prelates as noblemen, the common ruin in which they saw they must be indiscriminately involved, directed them in the part they were to act; and the additional character of ecclesiastics was, on this occasion, worthily and usefully applied.

The spring of all this revolution was the only sufferer by it. The confederacy in Ireland, against the earl-mareschal, became daily more strong, through the hopes the confederates had of dividing the spoils. The happy revolution of affairs in England now left him at liberty to attend his private concerns; taking therefore with him only fifteen knights, he committed his interest into the hands of his friends in England, and crossed over to Ireland. As a treaty of accommodation was then on foot with the government of England, the sentiments he carried

The mareschal goes for Ireland,



A. D. 1234.

ried along with him thither were very pacific. This, by no means, fell in with the views of his enemies; they worked upon his high spirit; they suggested the disgrace which must attend the blood of the first Strongbow, should he enter into any accommodation with those who had violently attacked his property. This advice had a fatal effect on the earl. Deceived by those whom he thought the friends of his glory, but who were secretly linked with his enemies, he raised a large army, with which he took the city of Limeric, and at first had great success, which again defeated the schemes of his enemies. The latter, therefore, proposed to surrender into his hands the whole government of Ireland, unless they were succoured from England by a certain day. This proposal bringing on a conference, Geoffrey de Maurice, whom the earl chiefly consulted, and who was secretly his enemy, advised him to remain inflexible to the demands of the Irish. This brought on a battle, in which the earl (after performing wonders, and killing incredible numbers of his enemies; after being dismounted, and his horse hamstringed) was run through the back, and taken prisoner. He soon after died through the treachery of an Irish surgeon.

is betrayed,

It does not appear that the government of England at this time were privy to this black affair; for, while those things happened in Ireland, the treaty went on with Llewellyn prince of Wales. As a preliminary, he insisted upon indemnity and pardon to all his party. It seems as if the government, for some time, had been under a difficulty with regard to a claim lately started up by the pope, of taking from the king the power of judging delinquents. This had occasioned Henry, who was very averse to breaking with the court of Rome, to acquaint pope Gregory, that, with his leave, he was very inclineable to receive Hubert de Burgh earl of Kent into pardon. A favourable answer coming from the pope, the archbishops and bishops sent a safe conduct to all who at this time stood outlawed, that they might come and treat with the king. The earl of Kent took advantage of this, and he, Gilbert Basset, Richard Siward, with many others, were received into favour with the kiss of peace, and reinstated into their rights and inheritances. A truce, at the same time, was concluded between Henry and Llewellyn prince of Wales, to commence from the 25th of August following, upon these terms: "That all injuries done on both sides, since the last truce, should be referred to those that made it. That all lands, taken from any one in the late war, should be restored. That all men and tenants, that had receded from the fealty of their lords, and adhered to the contrary party, might return again, without damage, or being questioned for it."

A peace with the prince of Wales.

The affair of Gilbert the new earl-mareschal was next to settle. The archbishop of Canterbury had had the precaution to take a copy of the treacherous letter, wrote by the contrivance of the late minister

and his friends, which occasioned the miserable end of earl Richard in Ireland. Henry absolutely disclaimed all knowledge of the said letter, and restored earl Gilbert to the full possession of all his honours and estates. But the discovery of that letter served as the foundation of a charge against the late ministry. Accordingly the bishop of Winchester, his nephew Peter de Rivaulx, Stephen Segrave, and Robert Passilau were summoned to give an account before parliament of their administration, and to answer for imposing upon the king, by putting his great seal to a letter of which he knew not the contents.

The ministers summoned to give account of their conduct.

Of those, Peter de Rivaulx and Stephen Segrave were tried. The former pleaded his character as a clergyman, and therefore an exemption from lay-judgment; but having a dagger at his girdle, and a coat of mail under his habit, his plea was over-ruled. The king called him traitor, his judges found him guilty, and he himself was sent to the tower. Stephen Segrave was in like manner condemned, for the wicked advice he had given to the king, and his malversation in his office as high justiciary. As for Robert Passilau, it does not appear that he stood his trial; for he seems to have thrown himself on the king's mercy. The bishop of Winchester, being a favourite of the pope, both for his riches and military knowledge, was sent for to Rome, to command in the armies of his holiness; and thus he escaped the judgment of his country.

Peter de Rivaulx sent to the tower,

and the bishop of Winchester goes to Rome.

In the year 1235, Henry, who held his Christmas court at Westminster, gave sentence, in the beginning of the year, against Stephen Segrave and Robert Passilau, by which each of them was fined a thousand merks. Soon after, a tax of no less than two merks scutage was imposed, to enable the king to pay thirty thousand merks, as a portion with his sister, who was at this time married to Frederic emperor of Germany. Another match at this time was set on foot, between Henry and Eleonora the daughter of the earl of Provence. We find several letters backwards and forwards, about this match, in Mr. Rymer's collections, by which it seems as if the lady's family had been cautious of entering into this treaty with a prince like Henry, who had broken off so many others of the same kind. However, the articles were at last agreed upon, though the marriage appears not to have been consummated till the beginning of next year. We find likewise, that this year a truce was treated of, between Henry and the king of France; but it received some obstacles by the opposition of the earl of March, who insisted upon the isle of Olleron being put into his possession: nor would the court of France come to any determination without his consent; but he afterwards was satisfied with eight hundred merks. The king (or as he is called in the writ) the duke, of Norway, received a safe conduct to come into England, in his way to the Holy Land; and we find, in Mr. Rymer's collections, that this year Henry gave to the king of Man

A tax of two merks scutage.

A match between Henry and the daughter of the earl of Provence.

Vol. i. p. 341.



A. D. 1235. Man and the Isles forty merks, a hundred measures of corn, and five hogheads of wine, for taking care of the sea-coasts of Ireland, which lay over-against his island. A new accommodation was likewise this year set on foot, between Henry and Alexander king of Scotland, upon which the latter, together with his queen, paid a visit to Henry in London, to which they were magnificently conducted. This is all the lame account we can give of any material civil transactions which happened in the year 1235.

Henry's marriage.

Office and emblems of the high constable of England.

Early in the year 1236, Henry went from Winchester, where he had kept his Christmas, to Canterbury, where he espoused the daughter of the earl of Provence. From thence the royal pair came to London, into which their entry was extremely magnificent; and they proceeded to Westminster, where the marriage was celebrated, and the queen crowned, with a pomp beyond any thing that had been known in that age. Whatever, says Matthew Paris, who has minutely described the solemnity, the world could pour forth of pleasure and magnificence was there displayed. The same author observes, that the earl of Chester carried St. Edward's sword before the king, as a sign of his having power to constrain his majesty, in case he should do amiss; and that the same earl, as constable, carried in his hand a rod, by which he kept off the encroachments of the people; emblems worthy of a virtuous government, such as Henry's had been, ever since the dismissal of his wicked ministers.

That which contributed to the general joy on this occasion was, the king's readiness to gratify the people, by holding a court at Merton in Surrey, in which he agreed to a new body of laws in favour of his people. This court was composed of all the noblemen who had been present at the coronation of the queen, and the laws passed there contain some farther concessions on the part of the crown, and are, as it were, amendments to the great charter. The reader may consult the notes (1).

While this parliament was sitting at Merton, deputies came from the emperor, to press Henry that he would send over his brother, at the head of an army, to endeavour to recover his French dominions, assuring him of certain success. It does not appear, from history, what the grounds were of the emperor's confidence; but we are certain that the parliament by no means relished the proposal. It was therefore handsomely put off, under pretence that the life of so young a prince, and heir apparent to the crown of England, was of too much importance to the kingdom, to be hazarded in so dangerous a war; and the king begged of his imperial majesty to cast his eyes on some other of his noblemen. But the deputies having no commission of that kind, made no farther proposals, and returned home. Immediately upon their return, the truce, which was now far advanced with the court of France, was sworn to by both parties, to continue for five years.

A. D. 1236.  
The statutes of Merton.

(1) The introduction, or title, of those statutes, and their contents, are as follow: "It is provided in the court of our sovereign lord the king, holden at Merton, on Wednesday the morrow after the feast of St. Vincent, in the twentieth year of the reign of king Henry, the son of king John, before William archbishop of Canterbury, and others his bishops and suffragans, and before the greater part of the earls and barons of England there; being assembled for the coronation of the said king, and Eleonora the queen, about which they were all called; where it was treated for the commonwealth of the realm, upon the articles underwritten, viz. Thus it was provided and granted, as well of the aforesaid archbishops, bishops, earls and barons, as of the king himself and others."

The first of which ordains, what damages widows shall recover, after the death of their husbands, from such as have deforced them of their dowers, that is to say, the value of the whole dower to them belonging, from the time of the death of their husbands, to the day of the judgment obtained in the king's court for the same; and the deforcers, withal, to be amerced for the same at the king's pleasure.

The second grants widows a power to bequeath the crop on the ground, as well of their dowers, as of their other lands and tenements.

The third appoints how disseisors, that have re-disseised those who have recovered seisin or possession from them by assize of novel disseisin, to wit, That the persons thereof convicted, shall be forthwith taken and kept in the king's prison, and not be discharged, but by fine or some other means. And the plaintiff shall further have the king's writ directed to the sheriff, containing the plaint of disseisin done upon disseisin; upon receipt of which, he shall take with him the keepers of the pleas of the crown, and other lawful knights, and in his proper person shall go unto the said land, &c. and if, by the inquisition of the jurors, and other neighbours, they find him again disseised, the sheriff shall then deliver him the seisin or possession; and if it be found otherwise, the plaintiff shall be amerced, and the other go quit. And in the same manner shall be done to them that have recovered their seisin by assize of mort d'ancestors; and so it shall be of all lands and tenements recovered in the king's court by inquests, if they be afterwards disseised by the first deforcers, against whom they have before recovered by inquest.

The fourth ordains, That the lords of manors may make profit of the residue of their manors, as of their wastes, woods, and pastures, provided their feoffees and free-tenants have sufficient pasture, with free egress and regress from their land unto the pasture, for as much as belongeth to their tenements; and if they alledge, they have not sufficient pasture, according to their holdings, then the truth is to be enquired into by an assize, &c.

The fifth provides, That from henceforth usury shall not turn against any one under age, from the time of the death of his ancestor (whose heir he is) until his lawful age. This law is either obsolete or repealed.

The sixth appoints the penalties for ravishment of a ward from his lord's custody, and for the disappointment of the lord, by his ward's marrying himself without his consent also.

The seventh provides, That the ward shall pay, at his full age, to his lord, the value of his marriage, in case he refuse the party whom his lord requires him to marry.

The eighth contains several limitations of prescription, relating to the dates of diverse writs now obsolete.

The ninth declares, That he is a bastard who is born before the marriage of his parents. But to the king's writ of bastardy, Whether one born before matrimony may inherit in like manner as he that is born after matrimony, all the bishops answered, "That they would not, neither could, answer to it, because it was directly against the common order of the church." And all the bishops were urgent with the lords, that they would consent, that all such as were born before matrimony, as to the succession of inheritance, for so much as the church accepteth such for legitimate. But all the earls and barons, with one voice, answered, "That they would not consent that the laws of the realm should be changed (nolumus leges Angliæ mutari) which hitherto had been used and approved of." This I have set down at large, because it shews a worthy constancy of the nobility of England, in not permitting the ancient laws thereof to be changed, for the sake of the ecclesiastical or canon law.

The tenth provides and grants, That every freeman, who oweth suit to the county, tything, hundred and wapentake, or to the court of his lord, may freely make his attorney to do those suits for him.

But as for the next, concerning trespassers in parks and ponds, it is not yet discussed; for the lords demanded the proper imprisonment of such as they should take in their parks and ponds; but it appears here, that the king denied, wherefore it was deferred. Tyrrel, vol. ii. p. 1106, 1107, 1108.

Many



A. D. 1236.

A commission  
for settling  
damages with  
Llewellyn  
prince of  
Wales.

Many infractions of the agreement between Henry and Llewellyn had, by this time, happened, chiefly through the innate aversion which the two people bore to one another, and the complicated claims of lands upon the marches of England and Wales. On the 6th of March this year, a commission (at the head of which was Ralph bishop of Hereford) was appointed for settling the damage on both sides. This commission was succeeded by a truce made on the part of the crown of England by the archbishop of Canterbury, with Llewellyn, for one year. By this truce it was stipulated, that things should remain on the same footing they were on at the commencement of the former truce.

Ever since the last change of ministry, matters had gone on with great harmony under an English administration. The English, indeed, laboured still under some inconveniences; but they were such as were very easily remediable. A parliament, therefore, was appointed to be held at London; but the giddy affections of the king, being equally susceptible of bad as good, now took a new turn. The bishop of Valence, uncle to his queen, had attended her into England, and had now become a favourite with the pliant king. The nobility, ever jealous of court favour, began to suspect an alteration in the public councils, and could not help expressing their complaints pretty loudly. The king, contrary to the usual custom, had ordered a parliament to be held in the tower of London. This the nobility, and the other members, opposed so firmly, that not a man of them could be brought to attend. The king had sense enough, for this time, to comply with his people; he came from the tower to his palace. The members of parliament, seeing all appearance of force upon their deliberations thus taken off, repaired thither; and the king, by their advice, regulated the office of sheriffs. Great abuses had crept into the discharge of this important trust; and the persons who held it, being generally creatures of the two last ministers, were now become a nuisance to the people. But the king, at this time, consented to turn out all such, and to fill their places with men of birth and fortune, above the temptation of mercenary dealings. An oath, at the same time, was exacted of them, That they should receive no retributions, either in land or money; and that whatever they received in meat or drink, should be moderate, and without oppression of the subject.

It appears that the king and queen of Scotland had returned home; but that the former sent commissioners, who asserted his claim, in this parliament, to the lands which had been dismembered from his family. But we find that the affair, as usual, was put off. Perhaps a prince of Alexander's spirit, might have occasioned some trouble to the government from this delay; but we find him, at this time, engaged in a war, which, as it seems to have been fomented by the government both in England and Ireland, and as

the consequences of it regards English affairs, I shall give some account of here.

The country, or rather kingdom, of Gal-  
loway, ever since the year 1166, continued  
under its own lords, the ancestors (if I mi-  
stake not) of the Stewart family, with a kind  
of palatine power. Allan, the last of them, was  
high-constable in Scotland, and pre-eminent  
over all other Scots in rank and fortune. He  
now died without lawful male issue, but left  
behind him three legitimate daughters; He-  
len, wife to Roger de Quincy, earl of Win-  
chester; Dervegild, married to John Baliol,  
lord of Castle-barnard; and Christian, mar-  
ried to William de Fortz, earl of Albe-  
marle. By his will, his estate was divided  
among these ladies, as co-heiresses; but the  
succession was disputed by one Thomas, sur-  
named Mac-douallan, a natural son of the  
deceased lord. This young man had formed  
an alliance with Olave king of the Isles and  
of Man, from whom he could easily get as-  
sistance; and being of a bold, active spirit,  
his claim was favoured by all the dependants  
of the family. The king of the Scots sup-  
ported the claim of the ladies, not more  
through justice than policy. He divided the  
inheritance of a dangerous vassal, and broke  
the power of his family; at the same time  
procured himself a great dependance in Eng-  
land. A Scotch antiquary, of some account,  
seems to think that the ladies were then  
married; perhaps they were; but however  
that may be, it is certain that Alexander vi-  
gorously supported their claim. The bastard  
had seized all the estate, and was now at the  
head of no fewer than ten thousand rebels.  
Another insurrection was either begun or  
threatened by one Summerled, in another  
part of the kingdom. Alexander raised an  
army with all expedition; he marched against  
the Gallovidian rebels in person; he found  
them well armed, advantageously posted,  
and in high spirits. According to Matthew  
Paris, they had cemented their association  
with a kind of barbarous sacramental rite,  
by pouring blood into a vessel of which they  
all tasted. The royal forces, however, be-  
ing better officered, attacked and defeated  
them, and their general was obliged to fly  
into Ireland. In a few months he returned,  
at the head of a body of naked Irish, and  
the son of one of their princes; but being  
again defeated by the crown troops, the peace  
of the country was restored, and Alexander  
left at liberty to prosecute his claim.

In the mean while, new factions were  
daily fomenting in the English court. A  
difference happened between the earl of Corn-  
wall, brother to the king, and Richard Si-  
ward; which ended in the banishment of  
the latter, by the king's express and (as ap-  
pears) arbitrary command. Ralph Fitz-  
nicholas was removed from his post of steward,  
and many other officers of the crown were  
disposed. But when the king sent to require  
the bishop of Chichester, as chancellor, to  
deliver up the great seal, he refused, as hav-  
ing had it from the great council, whose au-  
thority alone, as he alledged, could resume  
it.

A. D. 1236.

State of Gal-  
loway,  
[See p. 516.]

and of Scot-  
land.

Simpson.

The parlia-  
ment refuse  
to sit in the  
tower.

The office of  
sheriffs re-  
formed.

The bishop of  
Chichester re-  
fuses to deli-  
ver up the  
great seal.



A. D. 1237. it. From this circumstance it appears, that while Henry was in good terms with his parliament, the latter had advised, nay directed, him in the choice of his great officers of state; a memorable precedent!

The king takes into favour the old ministers.

The truth is, that Henry had, by this time, relapsed into all his scandalous partiality towards foreigners and favourites. The creatures of the bishop of Winchester were found the most proper tools for the purpose of the bishop of Valence; the public posts were again disgraced, by being filled with worthless men; and the public money was dissipated in shameful expences. For, notwithstanding the great and the generous aid which the people had given to Henry upon the marriage of his sister with the emperor, we find the latter, this year, obliged to solicit the payment of her portion at the court of England. As the Exchequer was empty, Peter de Rivaulx and Stephen Segrave, as having been long practised in the arts of extortion, were thought the most proper instruments for filling it. By their advice the king revoked a great many grants which he had made before his marriage, upon the infamous pretence of their not having been confirmed by the pope. This being publicly declared in a parliament, held in June, at Winchester, the members retired, ashamed and confounded at the weakness of the king; but resolving, with the first opportunity, to assert their rights. But no other parliament seems to have been held this year.

It was easy for the government to see, that a very little spark might now light up the flames of civil war all over England. The infidelity of Llewellyn prince of Aberfraw, gave them some disquiet, lest he should enter into an alliance with the king of the Scots, who was now highly provoked with the delay of his suit at the court of England. Henry, therefore, was advised to have a meeting with Alexander at York. Accordingly, this year, the conferences between them in person opened. Alexander strenuously insisted upon being immediately put in possession of the disputed countries, and appealed to the testimony of many noblemen, who knew the repeated promises that had been made him to that effect; which grants and promises he alledged to have been obtained from king John. Henry, finding that the Scot would be supported not only by Llewellyn, but by his brother-in-law the earl-mareschal of England, and numbers of the nobility, thought fit to compromise the matter, by offering Alexander a pension of eighty marks a year (if transcribers have not mistaken the sum) arising from other revenues. This expedient had the desired effect, and the meeting broke up with seeming unanimity and satisfaction on all hands.

The king of Scots receives a pension.

State of England at this time.

But the body of the English nation continued still very uneasy, and under terrible apprehensions from foreign influence. The creatures and preachers of the pope were daily squeezing and carrying money out of the kingdom, on some pretence or other. The king was afraid to venture to call a parliament, yet knew not how to do without one.

At last, having kept his Christmas at Winchester, he ordered writs to be issued out, for the meeting of a parliament at London, on the 13th of January. As the expectations of mens minds were very high, the assembly was full. Being met at Westminster, one William Kele, a clerk, and one of the king's domestics, was pitched upon by the court, as the most proper instrument to reconcile the parliament to the king's measures. He was, according to Matthew Paris, an able man, and well versed in the constitution of England; I shall therefore translate his speech, which he made at the opening of the parliament, as being well worthy the attention of an English reader. "His majesty, said he, "commands me to tell you, that, notwithstanding his past conduct, he will, without reserve, submit himself to the council and direction of you his true natural-born subjects, in all measures which he shall pursue, either now or hereafter. But those who have had the handling of his money, have proved unfaithful to their trust, and have given in false accounts; therefore our lord the king, being entirely destitute of money, without which every king must be a helpless creature, most humbly prays, that you would grant him some supply; but upon this condition, That it shall be collected according to your good liking, and expended according to the direction of a committee among yourselves, for the necessary purposes of the kingdom."

A. D. 1237.

William Kele's speech.

Our author says, this unexpected speech was received with great indignation by the whole assembly. At first they looked upon one another with amazement: they told the king, That they were quite tired out with repeated payments of subsidies: they said, That it was mean and scandalous in them to suffer a king, so lightly seduceable, one who had never checked even the smallest enemy of the kingdom; a king who, instead of enlarging, had straitened, the bounds of his territories, to harass natural-born Englishmen, as if they were slaves, by repeated extortions, and all for the good of foreigners. In answer to this, the king swore, That, provided they would supply him with the thirtieth of their moveables to recruit his exchequer, which had been exhausted by the late sum he had paid the emperor, he never more would provoke or molest his nobility. The reply of the people to this was, That as they had not been consulted in the measures which had brought on those difficulties, neither ought they to suffer for them. At last, after some debate among themselves, and the king promising to observe the great charter, with several other concessions in favour of public liberty, a thirtieth part of all moveables was granted in the usual manner; with this difference, that the collectors swore to deposite the money in some abbey, church, or castle, that it might be restored to the people in case the king should depart from his promise. Another condition was added, That the king should displace all foreigners from his councils, and be guided by the advice of natural-born Englishmen. Thus

A thirtieth of moveables granted to the king, and upon what conditions.



A. D. 1237. the people extorted from the necessities and miscarriages of the king, that which they never could have gained by his prosperity or success.

Llewellyn  
prince of  
Wales sub-  
mits to Henry.

But, notwithstanding the late grant, Henry continued still needy, and this year extorted a sum of money from the earl of Kent, for having married his ward, the earl of Gloucester, to his daughter Margaret, without the king's knowledge. But the nation, about this time, enjoyed some respite on the side of Wales, where Llewellyn, now old in the arts of government and treachery, and broken by the rebellion of his son, put himself under the protection of Henry, and renewed the then-subsisting truce. But this calm was of no long continuance, it being soon broken by the juggling of Henry.

Otho the  
pope's legate  
comes to Eng-  
land.

The king re-  
proached by  
his brother.

Beset as he was by foreign counsellors, he looked with a jealous eye upon the power, riches, or credit of all Englishmen. Among the rest, the greatness of his own brother, and the earl-mareschal, gave him the most sensible disquiet. To humble them, he had recourse to a mean, base expedient. The paramount power of the pope had, during his reign, been tacitly submitted to; Henry, therefore, laying hold of this, privately desired the pope to send a legate into England, who might counter-balance the credit of those great noblemen. Cardinal Otho was pitched on for this purpose, and about the middle of June he arrived in England. Henry's scheme was easily seen through, and loudly condemned, by all the English nobility, the archbishop of Canterbury in particular. But their remonstrances were in vain; and Henry, thinking himself now secure under so great a protection, violated all the promises he had made to the late parliament. The money collected was rapaciously seized, and profusely squandered, by the king, upon strangers and favourites; and he again threw himself entirely upon foreign councils. The earl of Cornwall, at the head of the nobility, sharply upbraided Henry with this breach of faith and honour. He laid before him the exhausted state of the kingdom; the perpetual cravings of his exchequer, though his revenues were large, and sufficient to support the royal dignity; and lastly, the shameful step he had taken in calling in the legate of the pope, under whom he acted, but with subordinate power. Henry was then in the hands of the bishop of Lincoln, and one friar Geoffrey a templar, and Simon Montfort. The two first were Englishmen; but their mean compliances fomented the king's passion for foreigners. The third was a promising French young gentleman, third son to the earl of Montfort; and having been lately disobliged at the court of France, was sent into England to push his fortune.

A convention  
with the king  
of Scots at  
York.

The late convention with the king of the Scots, though agreed upon, had never been ratified. The court of Scotland grew very uneasy at this; and Henry found it necessary, this year, to appoint another meeting at York, between Alexander and himself, under the mediation of the legate. After a great deal of debate, a new convention was drawn up,

by which the king of the Scots quits all his pretensions in England, upon the counties of Northumberland, Cumberland, and Westmoreland; and grants a full acquittance for fifteen thousand merks borrowed from the late king of Scotland by king John, in consideration of two hundred pounds in land, yearly, within the counties of Northumberland and Cumberland; with this remarkable provision, That if the revenues of the said counties did not make up two hundred pounds a year, exclusive of those towns which had castles in them, then the king of the Scots was to receive the balance, in proper lands, out of the adjoining counties; the king of the Scots paying, by way of reddendo, every year a hawk to the constable of Carlisle. The side jussor on the part of Henry, was the earl of Warren; and on the part of Alexander, the earl of Menteith. This agreement being made and ratified, the legate signified to Alexander, that he intended to pay him a visit in Scotland; but that prince declined it in a handsome, yet resolute, manner. He said, he never had (he thanked God) seen a legate in Scotland, either in his father's time, or his own; neither would he suffer any to set his foot upon his dominions, if he could prevent it; adding, that if the legate should persist in his resolution, he must take the consequences, since he could not answer for the treatment he might find from his subjects.

A. D. 1238.

Rymer, vol. i.  
P. 375.

Henry, at this time, received a great accession of revenue, by the death of the earl of Chester, whose estate he annexed to the crown; and, in the beginning of the year 1238, he bestowed his sister, the countess dowager mareschal, upon his favourite Simon Montfort. This match gave vast umbrage to the great nobility, and particularly the earl of Cornwall. He reproached the king, to his face, with his breach of faith, and the continuance of his partiality to foreigners. But Polydore Virgil has informed us, that the archbishop of Canterbury strenuously opposed the match, because the lady had devoted herself to a monastic life after her husband's death. The king, finding himself so hard pressed, had recourse to the friendship of the legate, and Hubert earl of Kent, who, of all the lay English nobility, was almost the only one who supported him; but was too old to be formidable to the opposition. Thus Henry found the party against his measures more strong than ever; and, notwithstanding all the interposition of the legate, they put themselves in arms, with an intention to force the king to alter his councils. Henry was obliged to submit; the compromise was drawn up in writing, and the legate was one of the witnesses to the deed.

Simon Mont-  
fort marries  
the king's  
sister.

It is observable, that, before this, the pope had insolently sent a bull, commanding Henry to resume his gifts, because that whatever was alienated from the crown of England, was understood to be alienated from the see of Rome, to whom that crown belonged. This claim alarmed the barons still more; and, when the legate interposed, he was told by the earl of Cornwall, That lay-affairs, and



A. D. 1238. and estates of laymen, were no concerns of his. Thus despairing of making good his claim, he perhaps was the more easily prevailed upon to submit to the method of accommodation; for now he had some chance of doing by policy, what he could not compass by violence. His arts were not unsuccessful. His first attempt was to detach the earl of Cornwall from the confederated barons. At first the earl disowned this; but afterwards it was very clear, by his taking into his favour Simon Montfort and the earl of Lincoln, two persons very obnoxious to the nobility. All the earl of Cornwall's interest, however, could procure Montfort only bare pardon. The nobility, pressed by the English clergy, were continually pushing to have his marriage dissolved; but being secretly reconciled to his most formidable opponent, and having on his side the legate, he got together some money, with which he went to the court of Rome, where all things were venal, with a view of having his last marriage confirmed. The archbishop of Canterbury was then at Rome in person, and, though a strenuous opposer of the match, yet Montfort, by his intrigues and money, succeeded so well, that the pope sent a confirmation of his marriage to the legate. The king and his minions could not dissemble their joy at this, and it was considered as a kind of a triumph over the English party.

Simon Montfort goes to Rome, and obtains a confirmation of his marriage.

But the legate's insolence, about this time, had almost cost him his life; for being at Oxford, where the scholars of the university came to pay their respects to him, they were very ill treated by the porter, and denied admittance: a brutal cook, a kinsman of the legate, and one of his domestics, being at the same time guilty of a barbarity to one of the retainers of the college. The whole of this ill-treatment fired a bold Welshman so much, that he shot the cook through the heart with an arrow from a bow which he had in his hand. The legate, looking upon the death of his kinsman as a prelude to his own, immediately shut himself up in the tower of the church, from whence he fled to the king, with a bitter complaint against the university. As the thing in itself was not justifiable, the earl of Warren was sent with a party to Oxford, where he seized thirty of the scholars, while the legate interdicted the university, and excommunicated all who were concerned in the late riot. The censure upon the university continued from the week after Easter to the middle of May, when, upon the scholars submitting to humble themselves before the legate, the university was absolved, and they restored to all their former privileges and rank.

The legate's cook killed at Oxford,

for which the university is interdicted.

The emperor Frederic, brother-in-law to Henry, was, before this, upon very bad terms with the court of Rome, and engaged in a war in Italy. Notwithstanding this, we find that this year Henry de Tübberville, an officer of experience and courage, was sent to the assistance of the emperor, at the head of a body of troops. Henry likewise wrote in a very pressing

Henry sends assistance to the emperor.

manner to the pope in his favour. This disgusted the court of Rome to a great degree; and Henry, not having resolution to hold out, suffered a bull of excommunication to be published against the emperor in England. The latter, upon this, wrote not only to the king, but to the barons of England, in which he most bitterly inveighs against the pride, partiality and venality of the Romish see. An incident happened at this time, which gave the pope an opportunity of discovering his resentment; for the bishop of Winchester, the late minister, dying, the king put up his brother, the bishop of Valence, for that wealthy bishopric; but in vain. The monks obstinately refused to elect him, and fixed upon the bishop of Chichester, who still retained the great seal, and was of all others the most obnoxious to the court. This incensed the king beyond measure: he applied promises, threatenings, and reproaches; but to no purpose. He found means, however, to get the great seal from the bishop, though the latter retained still the profits of his office. At last, finding no remedy, he was obliged to make up matters with the court of Rome, to which he sent two deputies, who prevailed, by money and promises, with the pope, to declare the election of the bishop of Chichester void.

A. D. 1238.

Rymer.

The bishop of Chichester delivers up the great seal.

While Henry was at Woodstock this year, he very narrowly escaped assassination by a pretended madman, who stealing by night into the bed-chamber of the king, by accident then lying in another room, stabbed the bolster in several places with a dagger. The wretch, being apprehended, confessed that he was set upon the assassination by William, son to Geoffrey Maris; upon which he was sentenced to be hanged and quartered, and his limbs were sent to be set upon the gates of the most noted towns in England: but we hear of no farther enquiry into the conspiracy.

The king's assassination attempted, and the traitor taken, and quartered.

Simon de Montfort now made a kind of triumphal return to England, after his success at Rome; and the king, soon after, created him earl of Leicester. The first use he made of his great credit, was to incense the king against Gilbert earl-mareschal, so much, that he refused to admit him to court. The earl, not brooking this affront, sent to expostulate with the king; but received nothing in answer, but recriminations on his brother's, and his own, conduct. The earl, upon this, went to the north of England, where he concerted matters with the other disaffected barons; while the king, daily abandoning himself to the will of his favourites, again admitted Stephen Segrave into his councils. The effect of this was, that all the great nobility again declared against the king. In the mean time, the pope, either through policy or some disgust, sent letters of revocation to Otho, with orders to leave England. The absence of the legate, at this critical juncture, would have delivered up Henry, as it were bound, into the hands of his opposing barons. The king therefore sent one William Norman express to Rome, to lay before his holiness the state of the nation, and

Segrave admitted again into favour.



A. D. 1239.

The legate  
remains in  
England.

and the great danger there was, if the legate should be recalled; and that the nobles would shake off their obedience to the pope, as well as to the king. These considerations prevailed with Gregory to send a licence for Otho to continue longer in England. When this licence was arrived, Henry had just summoned a parliament to meet at London. But the nobility, who were in full hopes that the presence of the legate was no longer to over-awe their deliberations, hearing that he was now to remain in England, and thinking their attendance would be both troublesome to themselves, and ineffectual to the nation, returned to their respective homes. Henry could have dispensed with their absence, but he could not without their granting the money, of which he now stood in great need. To ingratiate himself, therefore, with the party, he used all means to prevail with the bishop of Chichester to take back the great seal, but in vain; for that prelate, stomaching the treatment he had received, upbraided Henry with the unsuitable returns he had met with for all the services he had done both to himself and his father, and attached himself more than ever to the nobility.

King Edward  
born.

The earl of Cornwall's great interest arose from his being considered as heir-apparent to the crown; but on the 16th of June, 1239, the queen was safely brought to bed of a prince, who was named Edward, afterwards the famous Long-shanks. The easiness of the government, and the perpetual fluctuations of Henry's councils, had introduced into the state great corruption in offices. An inquisition, therefore, was now set on foot; and one of the king's servants, called William, was found guilty, and condemned to die. As the fellow was but an underling to persons of a higher rank, he made some discoveries to save his life. The treasurer, Ranulph, was thereupon taken up, and put in irons within the tower of London. As Ranulph was a clergyman, this violence done to his person was resented by the heads of the church; and the king was at last obliged to discharge him, not only from prison, but from all legal process. Thus the interposition of the church against the civil power, was for once right; for the person who accused Ranulph, being afterwards put to death, cleared his innocence at the gibbet.

Ranulph the  
treasurer con-  
fined to the  
tower.

Is cleared.

Segrave appears to have been then at the head of the administration in England. He had seen, in a few years, the many revolutions brought about by the determined aversion which the people had against the king's foreign counsellors; he therefore fell more in, after his second exaltation, with the English party. It was, perhaps, owing to him that,

in autumn this year, 1239, Simon de Montfort earl of Leicester, and his countess, though sister to the king, notwithstanding the favour they were in at the court of Rome, were disgraced at the court of England, and were obliged to go beyond sea. The Romish see met with other mortifications about this time. A meeting was held of all the English bishops at London, to consider of the means of relieving themselves from the intolerable exactions of the legate; but the latter, instead of abating, rose in his demands: for he required another supply. This being denied, the assembly broke up, and he was obliged to squeeze the religious houses who were immediately under the authority of the pope. The legate, despairing to bring over the clergy of England, resumed his resolution of trying what he could do in Scotland. This came early to the knowledge of Alexander king of the Scots, who was extremely jealous of the peace and independency of his crown; he therefore hastened to meet the legate before he could set his foot on Scottish ground. Having met him, he told him frankly, "That he thanked God his subjects were all good Christians, and friends to religion, and that he could not consent that the legate should be the first of his character who should come into Scotland." Otho, foreseeing this difficulty, had the precaution to take along with him a guard of English, and was attended by a great number of English nobility, who were perhaps well pleased to be rid of him on this condition. But the resolution of the king of the Scots making them somewhat apprehensive that he might return to England, they interposed with Alexander so effectually, that he consented to admit him; but under an instrument, drawn up under the hands of all present, that his admission at that time should not be drawn into any precedent for the future (1). Upon this he was admitted into Scotland, where he made but a very short stay.

A. D. 1239.

A synod of the  
clergy at Lon-  
don.The Scotch  
king's answer  
to the legate.

We find that Hubert earl of Kent this year fell again under the displeasure of the government. That he was a man of prodigious abilities, appears from the answers which he gave to the articles of impeachment preferred against him by the king. This answer was delivered by his attorney, one Laurence, into the king's court. Both the articles and the answer contain a curious recapitulation, without any material additional circumstances of what we have already delivered of Hubert's ministry. One or two important remarks, however, arise from them. The first is, that though Hubert was not nominally the sole minister,

Hubert earl of  
Kent again in  
disgrace.[Aditament.  
Matt. Paris.]Remarks on  
his ministry.

(1) It appears that several cardinals had been in Scotland before, but none of them with legantine powers. For next year, says archbishop Spotswood, Egidius, a Spaniard by nation, and by place a cardinal, was sent to gather contribution for the holy war; wherein both the clergy and laity shewed themselves so forward, as in a short space great sums were collected; all which he spent most prodigally in his return to Rome, giving out for an excuse, that he was robbed by certain Brigants in the way. And no sooner was this cardinal gone, than another followed, having the like commission. But the king, considering how prejudicial these contributions might prove to the kingdom, and that (through the easy yieldings of the state) the see of Rome was grown impudent in their exactions, would not permit him to enter into the realm, until he had propounded the matter in council: at which time one of the bishops (his name is not expressed in the story) made a long speech against the rapine of those legates; wherein, recounting the insolent oppressions of Gualo, and the riotous profusion of Egidius, he dissuaded, by many good reasons; his admission, or the receiving of any other who should afterwards happen to come about the like business. This speech being seconded with the applause of all that were present, an act was made, prohibiting the reception of the legate, or any others, without licence from the king. Spotswood's Hist. of the Church of Scotl. fol. 43.



A. D. 1240.

yet being effectually so, he was called upon to answer for all the measures of the government while he continued in power. Another is, that he justifies himself in most of the articles, by having done nothing but by consent and advice of the peers of England, whom he supposes to be judges of all public measures. But though Matthew Paris is the professed friend of Hubert on this occasion; yet it appears, from his own narrative, that the parliament, or court of peers, was by no means satisfied with his defence. In point of fact, it is indeed unanswerable; but it seems they understood that a sole minister might mislead the peers and the parliament: for our modern writers have grossly misrepresented the words of Paris. It is certain that judgment was given against him, upon an accumulated charge, though not a single circumstance of the articles was proved. This could only have proceeded from a strong conviction the peers were under, that, if such a precedent of impunity were once set, every future minister possessed of sole power would not fail to justify himself under the letter of the law, though guilty of violating its spirit. The castles delivered to the king by this sentence, were Blanch castle, Grosmund in Wales, Chenefreth, and Hatfield (1).

Mistakes of  
modern histo-  
rians.

The legate this year, on his return from Scotland, attended Henry at his Christmas at Winchester. Henry again was wholly immersed in the councils of foreigners, or of Englishmen who soothed his inclinations in their favour. Among those were Thomas of Savoy, earl of Flanders, uncle to the queen; and Baldwin de Redvers, who was now knighted, and created earl of the isle of Wight, and married the daughter-in-law of the earl of Cornwall. The legate had succeeded so ill in Scotland, and so furiously craving were the demands of his court for money, that he returned with fresh appetite. This was intolerable to the bishops, and the other clergy: they repaired, all in a body, to the parliament, which was held this year at London, on the 13th of January; where they indirectly attacked the pope's authority, through the sides of the king: so fatally fortified, in those days, was papal power by civil, as well as ecclesiastical, bulwarks. The bishops taxed the king, to his own face, with the breach of his oaths and charters, in injuring, oppressing, and desolating the church; in hindering canonical elections, and putting the profits of vacancies in his own pocket. No satisfaction being made to these charges, the prelates proceeded so far as to excommunicate the ministers who had thus estranged the king from his natural interests. They were seconded by letters which now came from the emperor, upbraiding Henry for his unnaturality, in taking part against him with

the see of Rome, and in suffering such a sponge as the legate to suck up the wealth of his subjects. To this the king answered, with peculiar meanness, "That he could not help doing what he did, because he was the feudatory of the pope." This scandalous answer encouraged the legate to disregard all the complaints both of laity and clergy; his oppressions were redoubled; immense sums were levied, under the colour of procurations, and of compensation money, to absolve those who had undertaken the crusade, and were unable to perform it, from the performance of their vow.

A. D. 1240.

The king's  
mean answer.

To irritate the English yet more, Simon Montfort was this year restored to favour, and came to the court of England. We are likewise told, that the citizens of London, and the wardens of the Cinque-ports, this year swore fealty to prince Edward; and the annals of Waverley tell us, that all the peers of England did the same. But, to counterbalance all the oppressions which England now suffered from papal usurpation, Llewellyn prince of Aberfraw, who had been so long a thorn in her side, now died, full of age and experience, after a reign of fifty-two years. His son, prince David, who succeeded him, readily did homage to Henry; and a convention was entered into between them, by which all their differences were submitted to the arbitrement of cardinal Otho the pope's legate, and the bishops of Norwich and Worcester, with the earl of Cornwall and John de Monmouth, on the king's part; and on prince David's part were appointed the bishop of St. Asaph, Indenevat Vaughan, and Eynguan Vaughan. It was provided by the same convention, that all past hostilities should be forgotten, and that the barons of Wales should thereafter pay their homages to Henry.

The nobility  
swear fealty  
to prince Ed-  
ward.

Llewellyn  
prince of  
Aberfraw  
dies.

The unsatiable legate, still continuing his exactions, summoned a meeting of the clergy, and some of the English peers, this year at Reading. There he had the insolence to demand, in the name of his master, a fifth of all the goods, the king having previously given his consent. The clergy, though dispirited by repeated disappointments, strenuously opposed this demand; but the archbishop of Canterbury, at last, yielding to pay a fifth part of his rents, which amounted to eight hundred merks, the rest of the prelates were brought over. Matthew Paris has hinted, that the archbishop had some private reasons for setting this ruinous precedent; but the good archbishop, finding that his compliance rather increased than satisfied the voracity of the legate, threw up all the cares of life, and retired to a monastery in France, where he died next year.

The clergy  
grant the le-  
gate a fifth  
part.

Some differences, about this time, happening between the citizens and scholars of Ox-

(1) Dr. Brady, and after him Mr. Tyrrel, and after him all the blind herd of our modern historians, have supposed the surrender of the earl of Kent's castles to have been a kind of compromise, or a present he had made to the king; but, if I mistake not, it appears very strong, from the words of Paris, that Hubert was obliged to deliver them up by the solemn judgment of his peers. The words I shall put down for the reader's satisfaction: *Adjudicatum est ut quatuor castra sua charissima comes regi resignaret.* Trivet, in his annals, is more express; for he says, *Comes Cantiae Hubertus, judicio contra eum procedente, quatuor castra, videlicet, Blancum castrum, Grosmundum, Chenefreth, atque Hatfield, regiae dominationi cogitur resignare:* "That Hubert earl of Kent, by the judgment of his peers, was obliged to surrender into the king's hands the castles of Blanch, Grosmund, Chenefreth, and Hatfield." Trivet. Anal. edit. Ital. tom. i. p. 190.



A. D. 1240.

ford, and the king having granted some privileges by his charter to the scholars of Cambridge against the citizens there, great numbers of the Oxford scholars went to Cambridge, where they settled.

The many exactions of the pope from the people, had long kept the royal exchequer very bare. It was timidity, and not the want of information, that reduced Henry into all those shameful compliances. He had, indeed, ventured so far as to press the legate to leave his kingdom; but the other still found a pretence for staying; and all the king's excuse was, that he neither would, nor durst, contradict the pope in any thing.

Italian usurers expelled the kingdom.

The countess of Cornwall dies.

Earl Richard takes upon him the cross.

However, the Italian usurers were, we find, this year expelled, and itinerant justices were sent about to reform the abuses of which the people complained; but the true meaning of their commission was, to stop money, under that pretence, for the king and the pope; and a great sum was now remitted to Rome by the legate. Some time before this, the countess of Cornwall, sister to the earl-mareschal, died, and left her husband inconsolable for her loss. The king had ordered articles of impeachment to be drawn up against the earl-mareschal, which were of such a nature as (Matthew Paris says) ought rather to be concealed than published. Some differences likewise happened, about this time, between the king and his brother, whose interest was now so low at court, that he declared his design of taking on himself the cross. This was extremely agreeable to Henry, who now professed himself ready to make up all differences with him. The renewal of their friendship was attended by a reconciliation between the king and the earl-mareschal, and between the latter and Maurice justiciary of Ireland. The resolution of the earl of Cornwall to leave England was very mortifying to the English party, who found they would be thereby deprived of their chief support. The archbishop, and the other prelates, applied to him, in the most earnest manner, to lay aside his intention, representing, with tears, the desolate condition in which he would leave them; but the earl, in answer, addressed himself to the archbishop of Canterbury in these memorable words: "My lord and father! believe me, that though I were not signed with the cross, yet would I leave this country, that thereby I might avoid seeing the misery of our countrymen, and the desolation of the kingdom; which I am unable to prevent, though the world believes the contrary."

Italian priests sent over by pope.

It was, perhaps, owing to this reconciliation between the king and his brother, who never had behaved with firmness in the cause of the public, that the pope was this year encouraged to send precepts of briefs, for providing no less than three hundred Romans, or Italians, in church benefices within England; with orders, that they should have the preference of all others. He likewise sent a collector, one Ruby, to levy money from the religious houses. But two abbots, those of St. Edmunds and Battle abbey, had the

courage to remonstrate to the king against those scandalous oppressions: they told him, That if they continued, the revenues of their fees would not be sufficient to discharge the services they owed; and implored his protection and redress. Henry was so far from granting these, that he brow-beat and threatened them, and offered the legate to imprison them in one of his castles. Though this severity intimidated some of the clergy into compliance, yet, in general, they united so firmly, that the legate was obliged to have recourse to intrigues, by which he divided them, and thereby came more easily at his ends.

A. D. 1241.

The earl of Flanders, who was uncle to the queen, this year had a present made him of five hundred merks, and a pension settled upon him to be paid out of the exchequer. In return for this, and many other presents, he paid homage to Henry. About the same time, the earls of Cornwall and Salisbury, and several other English noblemen, took shipping at Dover, with an intention of going to the Holy Land. This was followed by the dismissal of Norman the chancellor, who was a great court-favourite, from all civil employments. This year was likewise remarkable for the suppression of a set of robbers, who infested the north of England, under one John de Acton, their leader; and for a persecution raised against the Jews, for stealing away and circumcising a young child, with an intention, as was given out, of crucifying it.

The earl of Cornwall and others go to the Holy Land.

Robberies in the north suppressed.

The absence of the earl of Cornwall, and of the other nobility, removed the greatest impediment which the pope and the foreign favourites had in England. But the legate's affairs in Italy, obliging him now to return thither, was some alleviation to the pillaged English. The sums he had drawn from them were immense; and the king was so conscious of his own misconduct, that he seemed to give himself up for lost upon his departure, the protection of the pope being all he had to depend upon to screen his favourites. A new-one now started up; he was another uncle of the queen's; his name was Peter of Savoy. This nobleman, seeing the good success his brother the earl of Flanders had, came over in the beginning of the year 1241, and was presented by the king with the earldom of Richmond, and a valuable sum in money besides. But this Peter behaved with much more moderation than most other foreigners had done; he saw how disgustful his preferments were to the English nobility, and took great care to give them no offence. Very different from this behaviour was that of the agents from the see of Rome. Though no legate resided then in England, yet Peter Ruby and Peter de Supine, armed with the pope's bull, behaved with all the haughtiness of legates; and the foreign clergy, preferred here, acted as so many vultures, digging out of the bowels of England all that remained of her wealth. Their extortion and insolence were such, as even gave Henry himself some feeling for his people; for we find, that, upon the refusal of the abbot of

Arrival and preferment of Peter of Savoy.

Peter-



A. D. 1241. Peterborough to pay an exorbitant demand of the pope's, and the agents of the latter pressing it, the king interposed his authority, with orders, that they should proceed no farther in such monstrous oppressions.

Walter de Burgh's oppressions in Ireland.

Rymer.

King of Connaught restored to his estate.

Henry did likewise another piece of justice about this time, or perhaps a little before. Walter de Burgh had got vast gifts of lands in Ireland, during the earl of Kent's administration; but he acted in a very oppressive manner. Among others, he had disseised the king of Connaught, who paid an annual tribute to the crown of England of five thousand merks, for certain lands he held under the title of a kingdom; but that prince had recourse to the court of England for relief. Maurice, chief justice of Ireland, was then at Henry's court, and so well seconded the Irishman's complaint, that an order was immediately made, not only for reinstating him in all his possessions, but strict charge was given to the chief justice to curb the insolence of the de Burghs in Ireland, where, in general, they had been guilty of many enormities since their being first transplanted thither by the earl of Kent. Upon this, the king of Connaught put himself under the protection of prince Edward.

Gilbert earl-mareschal killed at a tournament at Hertford.

The English interest, this year, received another considerable loss, by the death of Gilbert earl-mareschal and Pembroke. This nobleman was flung from his horse, and killed, in a tournament at Hertford. The courts of England and Rome had always been jealous of these tournaments, upon pretence of the many fatal accidents they occasioned; but the true cause seems to have been, because the noblemen and knights of England took an opportunity, upon any great emergency, to assemble at a tournament, where they had leisure to concert their measures. It was therefore in so much disgrace at court, that Henry, for some time, refused to give investment of the honours and estate to Walter, Gilbert's surviving brother. He was at last prevailed upon, however, to grant both; but with a reservation of the castles of Carnarvon and Cardigan, which the king kept in his own hands, and garrisoned with his own troops.

Rymer, vol. i. p. 389.

The latter was, perhaps at this juncture, a wise and necessary precaution, since a very busy scene was now opened between Henry and the princes of Wales, which it is necessary we should point out here. The restlessness of the Welsh had made it necessary for the government of England, for some years past, to make conventions with that people, by which certain arbitrators were constituted on both sides, and those conventions were renewed from time to time, as occasion presented. That made in the year 1240, had appointed the legate Otho, and several other arbitrators, who were either dead or absent. This made it necessary that the compromise should be renewed, and Henry had sent several summonses for that effect to David, who had succeeded his father Llewellyn in his Welsh estates. David had several times refused to do this; but, at last,

upon a peremptory citation, he sent commissioners to act in his stead at Shrewsbury. Here a new set of arbitrators were chosen, grievances were heard and remedied, and David took the usual oath soon after. This appears to have happened about the middle of May, 1241. But this submission was only to gain time; for David, upon his return into his own country, formed a project for shaking off his dependance upon the crown of England. With this view he entered into an alliance with the family of Madoc, a powerful Welsh prince, and debauched from their allegiance many of the Welsh tenants belonging to the crown of England. He then fell with fire and sword upon the estates of Ralph Mortimer, and other of Henry's feudatories; and plundered a ship belonging to England of wheat and other victuals. Being jealous of his brother Griffin, he not only stripped him of all his estates, but threw him into prison, under pretence of keeping the public peace. The bishop of Bangor interceded in favour of Griffin; but without effect, even after excommunicating David. The court of England was next applied to, and David was summoned to appear before the king, to answer for his rebellion by the first of August. In the mean time, Senana, the wife of Griffin, and Owen his son, entered into a private treaty with Henry, which, as we find by public records in the tower of London, was actually concluded on both sides. The terms were, That Henry should receive six hundred merks, provided Griffin was restored to his liberty, so as to be present at a trial, in the king's court, whether he had been lawfully disseised of his estates. If it should appear he was not, the king engaged to put him in re-possession of all that should appear to be his real inheritance by the Welsh law. It was likewise agreed, that David, in such an event, should pay to Henry a yearly subsidy of three hundred merks in money and cattle; and that Griffin, in all cases wherein the Welsh should rebel against England, should be ready, at his own cost, to compel the rebelling party to make satisfaction. For the performance of this engagement, David and Roderic, Griffin's two sons, were put into Henry's hands, as hostages, and the agreement was sealed, by Senana, with Griffin's seal; and many Welsh noblemen likewise gave security that she should perform all that she had engaged. Together with these, some of the heads of the most powerful families in Wales gave charts of their fidelity to Henry's person and government, whenever he should want their assistance.

A. D. 1241.

He rebels.

Henry's treaty with Griffin.

Encouraged by those assurances, Henry advanced, at the head of an army, from Gloucester towards Chester, with a seeming intention to attack prince David; but he had the address to enter into a negotiation with Henry, by which the latter shamefully cancelled all that had been transacted between him and the wife and friends of Griffin. A charter was made out, by which the following terms were stipulated:

Henry treats with David.

First,



A. D. 1241.  
The terms.  
Brady.

First, That David should deliver his brother Griffin and his son to the king.

Secondly, That he should stand to the judgment of the king's court, whether Griffin ought to be prisoner or not; and also for the portion of his father's inheritance, which he claimed according to the custom of Wales, and should hold that land of the king in capite.

Thirdly, That he should deliver to Roger de Mont-alto, steward of Chester, his lands of Mont-alt, or, as it is commonly called, Mont-haut, or Mould, with its appurtenances.

Fourthly, That he should restore to the barons all such lands, lordships, and castles as had been taken from them since the beginning of the wars between king John and his father Llewellyn prince of Wales.

Fifthly, That he should defray all the charges of king Henry in the last expedition against him.

Sixthly, That he should make satisfaction for all the injuries done by him, or his, unto the king, or his people. That he should restore unto him all the homages which king John had, or that he ought to have, especially to the noblemen of Wales.

Seventhly, That the lands of Ellesmer, with the appurtenances, were to remain to the king for ever.

Eighthly, That he should not receive any of the king's subjects within his country of Wales, that were outlawed, or banished.

Ninthly, And that, for the performance of this, he would give pledges and security, according to the king's will and pleasure; and would do all his commands, and stand to the law in his court.

Griffin prince  
of Wales con-  
fined prisoner  
in the tower.

This scandalous compromise being ratified, prince Griffin was delivered over to Henry, who sent him prisoner, with several of David's hostages, to the tower of London. About Michaelmas David came to court, where he gave the king the strongest assurances of his and his family's fidelity, even under the pain of forfeiture of all his estates, if he should ever again rebel; and then doing homage, he obtained conduct for his safe return.

Rymer.

The king of  
France makes  
his brother  
Alphonso earl  
of Poitou.

All this time the earl of Cornwall was pursuing his adventures in the Holy Land. We find a writ issued out, directed from the king to the clergy in the archbishopric of Canterbury, dated the 23d of April this year, commanding them to levy money for the use of the crusades, and of the earl of Cornwall in particular; and ordering the same to be lodged in the hands of the knight-templars. But the earl's pursuit of chimerical glory was soon interrupted by the news, that the king of France had created his own brother, Alphonso, earl of Poitou; a country which the earl of Cornwall looked upon as his own by

right. Alphonso soon after took possession of the capital of his earldom, and all the noblemen under him, not excepting Henry's father-in-law the earl of March, did homage for their lands. It was probably the news of this, that determined the earl of Cornwall to make a truce with the infidels, and to return to England, which he did in the year 1242, soon after the death of two illustrious ladies.

The first was the empress of Germany, eldest sister to king Henry; the second, the unfortunate Eleanor of Brittany, daughter of Geoffrey, and sister to Arthur, who, had hereditary right prevailed, must have worn the crown of England. This lady is reported to have borne her imprisonment with great magnanimity, and to have asserted her birth-right to the last; but the people of England seem to have been quite satisfied with Henry's title, nor do we meet with any efforts made in her favour.

The earl of Cornwall found his brother highly exasperated at the court of France, and his sentiments were encouraged by his mother, who prevailed with her husband to take arms against that government. In short, Henry's assurances of success from the earl of March were such, that, not doubting of being joined by all the old tenants of his family in France, besides the king of Arragon and the earl of Tholouse, he ordered a meeting of parliament to be held about the latter-end of January, 1242.

The earl of March was at this time in arms, and had informed Henry, that he chiefly stood in need of money; as for men, they could be provided in France. But the parliament, which was summoned at London, met in a very ill humour. The noblemen and people of England had been absolutely disregarded ever since the last subsidy they granted, and they seemed now resolved to let the king know their importance. They knew how much his heart was set upon the French war, and they formed themselves by oath into a kind of an association, not to be prevailed upon by any means to grant him money. The king had some information of this step. Narrow as his genius was, yet he had learned from the agents of Rome, that the way to conquer an opposition was to divide it. He therefore sent separately for many of the members, and laid before them the necessity of his affairs, the lowness of his revenues, the unreasonableness of their opposition, and the uprightness of his own intentions. The answer he met with, according to Matthew Paris, was such that is more fit for a foolish spendthrift, or a craving beggar, than the king of a great people. In short, their language was such, as was not only unbecoming them to give, and him to receive, but below the dignity of history; I have therefore placed all that passed on this occasion in the notes (1). It is sufficient to

A. D. 1242.

Isabella em-  
press of Ger-  
many dies.  
Eleanor  
countess of  
Britanny dies.

See p. 633.

Henry impor-  
tuned to make  
war upon  
France.

The parlia-  
ment refuse a  
subsidy.

The measures  
he took to  
prevail upon  
them.

(1) The peers, in very sharp terms, answered the king, when he declared his fixed resolution of going abroad, with the invitation he had from the earl of March, and demanded a pecuniary aid. That without their advice he had undertaken these things, which he now demanded of them in a bare-faced and impudent manner, harrassing and impoverishing his people so often, and even bringing those his exactions into a precedent, and squeezing such vast sums of money from them, as from the most abject slaves, which was uselessly squandered away. They then told the king to his face, That they would not suffer the



A. D. 1242.

Is dissuaded  
from the war  
by the parlia-  
ment.

observe here, that there were very warm debates in parliament on this occasion. The English party represented the war as quite foreign to all the interest of England, and promoted only by the earl of March, the Poictovins, and other foreigners; that it was particularly unseasonable at that juncture, after the faces of the people and the nobility had been ground between the exactions of the king and the pope, so as to be reduced even to the last farthing. They called out, at the same time, for an account of the money that had been already granted. The king, on the other hand, urged how shameful it would be for Englishmen to desert their sovereign, at a juncture so critical to his interest and glory. That now the voice of his allies on the continent, and that of the inhabitants of those lands he claimed, called upon him to assert the rights of his family and crown. He likewise urged the glory which they themselves, as soldiers, were likely to reap in the expedition. But all those arguments had very little weight; and the English, to all they had said, added, That he could not depend on his invitation, since the persons who invited him had been traitors to their own prince, and consequently they could never be supposed to prove true to him.

But the heat of the assembly, before their breaking up, seems to have been pretty much allayed; for the language of their address was more moderate than that of their debates which preceded it. Henry had appointed the archbishop of York, the earl of Cornwall, and the provost of Beverley to appear as his commissioners in parliament, and to receive their final resolution. Matthew Paris has given us a curious copy of the minutes of parliament on this occasion; and, as he wrote at the time, and may be

supposed to have full access to all records, we may well believe it to be authentic. The substance of it is, That the parliament, after great debate (a circumstance which seems to have been overlooked by Dr. Brady, and Mr. Tyrrel, in their ridiculous dispute upon this occasion) gave it to the king as their advice, to wait for the expiration of the truce with France, before he should commence hostilities; and if the king of France should, in the mean time, violate the said truce, they would cheerfully assist Henry with all their might. In this answer they were all unanimous. They then made a recapitulation of all the aids, subsidies, and taxes they had paid, of the vast revenues that had come to the crown, by vacancies, escheats, and forfeitures of various kinds, with the oppressive methods of collection. They mentioned the king's repeated breaches of his engagements with his people; their own inability to support farther expences; and then concluded with a flat denial of granting him any subsidy: but promising, at the same time, that, if he pleased to wait till the expiration of the truce, they would then give him their advice how to proceed. The commissioners returning to the king with this answer, his party craftily endeavoured to bring the parliament over to promise, that they would support him, in case the king of France should enter upon hostilities; a thing which was always in Henry's own power to oblige him to do. But the parliament very cautiously answered, That if it was undeniably made out to them that the king of France should act such a part, they would, in that case, know how to give their advice. Henry, finding this bait likewise ineffectual, endeavoured to sooth them, by promising to remedy all their grievances by the arbitration of Peter of Savoy, who, it seems, was in

A. D. 1242.

The debates  
of parliament.

They fully  
deny him aid.

Refused with  
the parlia-  
ment.

The king's  
commissioners  
in parliament.

the revenues to be so idly employed. The king next had recourse to the crafty policy of the Roman agents: he ordered them to attend next day, and hear his pleasure upon that and other points. Accordingly he called several of them privately into his closet, to extort their consent, like a father-confessor. By this stratagem he endeavoured to disconcert them separately, whom he could not prevail with in a body, and demanded aid of them, saying, "See what a subsidy such an abbot has given me! Behold what another has also granted me!" and shewed a roll, in which was writ down how much such an abbot or prior promised to give him, when, at the same time, none of them had given the least consent, or knew any thing of the matter. By such wiles, and fawning flatteries, the king cunningly gained over some of them; yet the generality stood firm, resolving, by no means, to depart from their common resolution, according to their oath. To those the king said, in a mighty passion, "Must I then be perjured? I have sworn, by an inviolable oath, to pass over and recover my territories, by force of arms, from the king of France; which I am utterly incapable to perform, without you grant me a large subsidy for that purpose." However, by all the specious arguments he could advance, he was unable to prevail with them, though he had before called each of them apart, and tempted them in private. Again he called together some particular noblemen and prelates, and thus bespoke them; "What bad example do you shew, says he, my noble lords and valiant knights! How come you to shrink? Though the prelates of the church are afraid, you ought to be more forward than the rest to recover the rights of the kingdom, and bravely encounter our enemies in battle. With what assurance then can you thus desert me, poor and unprovided for managing the affairs of state, seeing I am not only obliged to fulfil my engagements of crossing over to France, but also bound by a solemn oath to perform them?" But when the affair was laid before the parliament, their answer was beyond what could be expected; "We are surprized, sir, say they, how the vast sums levied have been squandered, and in what abyss those can be swallowed which have been raised from diverse wards of the nobility, different escheats, and frequent extortions, as well from church vacancies, as forfeitures and other disservices; which one would be amazed to think or hear of, and all which never contributed in the least towards the advancement of the realm. Besides, you called into the kingdom, lately, legates, or persons invested with legantine powers, who, as it were, gleaned the branches after they had gathered all the grapes, and collected for themselves all the remainder of money that was left in the nation. But further, we are still more surprized, that, without consulting us, you have undertaken such a dangerous enterprize; relying upon such as have no honour, and despising the friendship of your natural-born subjects, you expose yourself to the shufflings of jilting fortune. You shamefully and dishonourably, even to the ruin of your soul and reputation, break the truce which your noble brother and Richard Bigod, on your part, concluded with the king of France; which you have so solemnly sworn to, and which ought to be inviolably kept during the time agreed upon." The wisest and most experienced members of the council added besides, "That you have too rashly exposed your person to those noblemen of France, who even rebel against their lawful sovereign the king of France, and who ought not, upon that very account, to be depended upon, seeing they are remarkable for double rebellion and treason. You know, continued they, that the king of Navarre, lately in the Holy Land, whose assistance they also promise you, was guilty of a base action. Let the wounds and examples of your royal predecessors, the memory of which is still fresh, deter and reclaim you, who possessed impregnable forts, large territories, numerous armies, and immense treasures in that country; yet they were not able to destroy the firm and united armies of France, nor yet maintain and preserve what they had formerly possessed." The king, hearing these things, fell into a violent passion, swearing by all the holy saints, "That no terror should hinder him, no arguments prevail with him, from going on board his fleet; and that he was fully resolved to try the chance of battle with the king of France." Thus the assembly broke up.



A. D. 1242. great credit with the nobility, and of some other of his counsellors. But the parliament, in answer to this, referred him to the part he had already acted on like occasions, and in consequence of like promises. Soon after these altercations the parliament was dissolved.

Matt. Westminster.

Henry orders his military tenants to pay him a certain sum of money for their attendance.

But, notwithstanding Henry's bad success with this assembly, it is certain that he found means to bring over a great many, prelates especially, to advance money, in the hopes of being reimbursed by the success of the expedition. Upon this, and the repeated solicitations of the earl of March, he ordered his military tenants, each with a certain sum, in lieu of personal attendance, to meet him at Portsmouth. As the power of the great barons was by this time much reduced, and as the expedition was strongly promoted by the earl of Cornwall, the first and greatest subject in the kingdom, the inferior tenants were obliged to obey this extraordinary summons; and by this the king got a large sum into his own pocket.

Archbishop of York made regent.

But Henry well knew, from the spirit which the parliament had discovered, how extremely unpopular his measures were; he therefore resolved to endeavour to leave his people in as good a humour as he could at parting. For this purpose the bishop of Chichester was again restored to favour; the archbishop of York was made regent during the royal absence, with the bishop of Carlisle and William de Cantelupe for his assistants; and several of the most popular nobility were now recalled to court, and highly caressed. But as his chief apprehensions of any insurrection lay in the north, it was expedient to be in the strictest friendship with the Scots. Accordingly we find a treaty of marriage had been for some time proposed, between the son of Alexander and Margaret, Henry's young daughter; and, as an earnest of mutual friendship, the king of the Scots accepted of the guardianship of that part of the English borders which lie over-against Scotland, having been first paid all the arrears of his subsidy, as appears from a writ directed by Henry to the bishop of Carlisle.

Rymer, vol. i. p. 400. A treaty of marriage between Henry's daughter and the king of Scots.

Rymer.

The king of France invades the earl of March's lands;

While Henry was waiting at Portsmouth for a fair wind, Lewis king of France was apprized of all that passed between the court of England and his own rebellious vassals. He therefore fell into the estates of the earl of March with great fury, and took several of his strongest forts; while the earl, not daring to take the field, had shut himself up in the most impenetrable passes of his country, attending the arrival of Henry. The French historians here have charged the queen dowager with a detestable design of poisoning the king of France; but though the passions of that princess were certainly very violent, and her resentments high; yet the charge, as it is laid, is highly improbable.

In the mean time Henry had embarked, with his brother and queen, and had landed at Roan just as Lewis had formed the siege of Fontenoy, a strong place upon the frontiers of Xaintoigne. As hostilities had as

yet been so far from being actually commenced, that Henry had published orders to his subjects in France and elsewhere, that the truce should be religiously observed, it was thought proper to send ambassadors from the English camp, to apprise Lewis of Henry's reasons for his invasion. Lewis received the ambassadors with great complaisance and politeness. He heard, with the utmost calmness, their charge of breach of the truce on his side. He answered very modestly, That he was so far from breaking it, that, notwithstanding Henry's hostile invasion, he was even then keeping it; and that all he had done was only to chastise his own rebellious vassals and subjects. Matthew Paris adds, that Lewis, at the same time, touched with the remembrance of the promise which his father had made, offered to surrender up Poitou and part of Normandy into the hands of Henry.

The Poitevins, and other foreigners about Henry's person, were wicked enough to persuade that weak prince, that all this moderation on the part of Lewis proceeded from fear. What gave some colour to this was, the disposition which the king of Aragon and Castile (the first especially) were in with regard to France, and the loud discontents of the Normans at the French government. Animated by those considerations, Henry sent some knights-hospitallers from his army to declare war against Lewis, who received the declaration with equal moderation and resolution. The first effect was the reduction of Fontenoy, till then deemed impregnable. It had been defended by the son of the earl of March, who being looked upon as a rebel, as all his soldiers were; Lewis was advised to put the whole of the garrison to death, that other places might be struck with their fate, and make the less resistance. But Lewis generously observed, that the young gentleman did no more than obey the commands of a father, and the garrison those of a master. This greatness of mind in Lewis contributed equally with his arms in reducing a great many other places belonging to the earl of March. Some he kept, others he demolished. At last he advanced to Taillebourg. Henry, in the mean while, had come from Xaintes, where he lay for some time in expectation of certain auxiliaries promised him by the earl of March, but who never arrived, and seeing the progress of Lewis, he endeavoured to hinder the enemy from advancing to Taillebourg; but Lewis getting between the English and the town, the citizens and garrison of Taillebourg opened its gates to his forces. He then ordered his army to encamp without the gates, in a meadow. Thus both armies lay with only the river Charente between them. Henry had in his army several brave officers, who had seen a great deal of service: his brother the earl of Cornwall and the earl of Salisbury, now returned from the crusade, and six other English earls, served under him. He had made himself master of a stone bridge over the Charente, so that the French army, which was much reduced

A. D. 1242.

and takes his son prisoner.



A. D. 1242. reduced by fatigues, diseases, and losses, was obliged to pass to the attack in boats, at great disadvantage, and to assault the bridge at the same time. The English troops sustained the last-mentioned attack with the utmost intrepidity, and the French army was upon the point of falling into a total disorder, when Lewis advancing at the head of a few troops, restored the battle, and, after performing very brave actions with his own hand, drove the English from the bridge, where he took post. This success gave the French incredible spirits, and, notwithstanding the most discouraging difficulties they found on the other side of the river, drove the English from the field with great slaughter as far as Xaintes, into which place several of the most forward pursuers entered along with the flyers. Henry had not taken the rout of Xaintes, but remained incamped, after the defeat, in such a manner, as must have put him in a short time into the hands of the enemy. But his liberty was owing to his brother the earl of Cornwall; for that prince's generosity to the French volunteers, in his crusade, had endeared him to that army in general, and to the king of France in particular. Seeing his brother in inevitable danger of falling into the enemies hands without some speedy resource, he formed a design for his deliverance, at once pious and noble. Divesting himself, therefore, of his armour, and with only a truncheon in his hand, he advanced towards the French camp, where he demanded an audience of Lewis, to which he was readily admitted. He then desired a truce for that night, and the following day; which being generously granted by Lewis, he returned to the English camp. Henry, of about twenty-five thousand men which formed his army in the beginning of the late battle, had now only a very few remaining about his person. This made the success of the earl of Cornwall's visit to Lewis the more agreeable, and they made use of it in retreating immediately towards Xaintes for the security of Henry's person. But the latter could not help reproaching the earl of March with the little concern he had taken in fulfilling his promises of being able to supply him with men, provided money could be had to pay them. Upon the earl's making a shuffling excuse to this charge, the earl of Cornwall produced the charter entered into between him and his brother, which the former had no other way of evading, but by laying the blame of the whole upon the dowager queen.

Those altercations were followed by a visible coldness between Henry and his father-in-law; but it was now no time to shew it; for Lewis advanced in the pursuit as far as Xaintes; and the earl of March unadvisedly attacking a foraging party, this drew on a general battle. The place in which they engaged was very inconvenient, being covered with bushes and shrubs; and the French, by their own accounts, had a vast superiority of numbers. The English, however, behaved with prodigious courage; and had it not

been for the inequality of their force, they must have gained a complete victory. Among others of the English nobility, the earls of Leicester and Norfolk are particularly distinguished for their courage; but Lewis, at the head of his troops, at last obliged them to retire, after great loss on both sides, into Xaintes, leaving many English prisoners with the French.

The loss of this second battle brought the earl of March to think, in good earnest, of peace; he therefore privately applied to the earl of Brittany, who then served in the French army; and he, with the bishop of Xaintes, brought Lewis a chart-blanche from the earl of March. Lewis, retaining his usual moderation, granted him hard, but, in his then situation, favourable, terms. All this negotiation was entirely a secret to Henry, whose situation of affairs rendered the friendship of the earl of March, whom he thought irreconcilable with Lewis, more necessary to him than ever. With this view he had forced the inhabitants of Xaintes to receive the son of the earl as their governor, though extremely disagreeable to them for his haughtiness of manners. As the place was very strong, he continued there without any manner of apprehension, and had now received such a reinforcement of troops, that he was again thinking of taking the field, when he was informed by his brother of the earl's treaty with Lewis. That prince had come to the knowledge of it through the gratitude of a French knight, whom he had saved in the Holy Land, and who was privy to the transaction. The information could admit of no manner of doubt, when it was instantly followed by an account, that Lewis was preparing to advance and lay siege to Xaintes, with an intention, if possible, of taking Henry prisoner. This struck the latter with such a panic, that he instantly decamped, and made so precipitate a retreat towards Blaye, that many of his soldiers perished with fatigue and famine, and all Henry's rich equipages and furniture fell into the hands of the enemy.

Lewis, the very night after Henry's retreat, instead of besieging Xaintes, was welcomed into it with great joy. He then set out in pursuit of the English, of whom he took many prisoners; while the king of England, still possessed with his pannic, left Blaye, passed the Charente, and shut himself up in Bourdeaux.

Henry's affairs were now entirely ruined both in Xaintoigne and Poictou, notwithstanding the general disposition of the inhabitants in his favour. The earl of March, after submitting to the most mortifying humiliation, was now obliged by Lewis to serve in the French armies against the earl of Thoulouse; and others, the chief of the party, scandalously made their submissions, and delivered up their towns and castles to Lewis. One nobleman, Hertolde de Mirebeau, alone, to his immortal honour, persevered in the fidelity he had sworn to Henry: he refused to deliver up his castle without his master's leave, and even went to Bourdeaux in person,

Lewis routs the English, and drives them into Xaintes.

Earl Richard procures a truce from Lewis.

Henry worsted in a general engagement.

The earl of March deserts king Henry.

Henry loses his equipage.

Henry flies to Bourdeaux.

Hertolde de Mirebeau's fidelity to Henry.



A. D. 1242. son, to receive Henry's commands how he should behave. As resistance would have been certain ruin, Henry gave him leave to make his submission; and the king of France was so charmed with his honour, that he, of all others, was alone permitted to retain his estate and castles.

It was now the month of August; and Lewis was preparing to take advantage of Henry's consternation, after so many losses, by attacking him in Gascony; but many difficulties lay in the way of this expedition. Notwithstanding his continual successes, he had lost, by accidents and raging mortality, upwards of twenty thousand of his men, besides fourscore of his principal nobility, and his own health was much impaired by continual fatigues. Pursuing, therefore, the wise maxims of his grandfather, Philip the August, he was contented to forego the hopes of glory, in driving the English quite out of France, rather than risque a decisive event with a desperate enemy. In short, he listened to the propositions made him on the part of Henry, and consented to a truce for five years.

Lewis consents to a truce for five years.

The shame of this campaign was evidently owing to the delusion which Henry had been under to foreign councils, and their treachery; but the same counsellors, far from awakening him to a sense of what he owed to his own glory, endeavoured to make him drown the remembrance of his late disgrace in riot and indolence. Most of the English noblemen were so disgusted at his behaviour, that they left him at Bourdeaux. Among those were his own brother, with the earl-mareschal, and the earls of Hereford, Norfolk, and Winchester. But those who stayed about his person were such as extreme want had reduced to a precarious dependance upon his court. But when those noblemen came to England, they were there struck with another face of misery. Henry's extravagant expences had exacted a large scutage, of no less, as is said, than three merks of every knight's fee over all England. This was followed by an order sent to the regent, for seizing all the product of the archbishop of Canterbury, and the other vacant bishoprics, in grain or provisions of any kind, for the use of the army in France. Another order, of a much severer nature, came soon after, by which the regent was ordered to confiscate the estates of such noblemen as had left Henry's service in France; but the regent, who was a man of sense and moderation, saw the bad policy, as well as the injustice, of this command, and was therefore wise enough to decline it. But all the wealth of England was not sufficient for supplying Henry's extravagance at Bourdeaux, he therefore sent another order to the regent, demanding a year's profit of all the wooll belonging to the order of Cistercian monks; but when the archbishop pressed this upon their order, the abbots and monks made so vigorous a resistance, that he was obliged to desist.

Henry demands a scutage of three merks.

Demands the wool of the Cistercian order.

The king of Arragon and the earl of Thoulouse, two principals in the late confederacy, now wholly governed the king; and the

I

winter was spent in quelling some Gascon rebels, in which skirmishes one John Mansel received a hurt, which afterwards recommended him to the king's peculiar favour. In the beginning of March, 1243, the sea swarmed with a squadron of privateers, and other vessels, fitted out from Calais and the neighbouring places, under the command of the earl of Brittany. Those ships did such infinite damage to the English navigation, that there was, for some time, almost a total stop of all communication with France. For when Henry, at this time still craving fresh supplies from England, wrote to the regent for that purpose, the wardens of the Cinque-ports refused to undertake to carry over the provisions made by the regent, for want of a sufficient convoy to protect them. This gave a fair handle to the archbishop, for remonstrating to Henry the impossibility of supplying him, if he still remained in France, and the necessity of his returning to England. But, notwithstanding this, we find the city of London terribly oppressed at this time, by a private loan set on foot by the king's officers. Money extorted from the city of London by way of loan.

A. D. 1243. John Mansel's rise.

The depredations complained of by the wardens of the Cinque-ports, were, no doubt, owing, in a great measure, to the truce between Henry and Lewis not being yet ratified; but, on the 12th of March, it was solemnly confirmed by both parties. The terms were, That Lewis should retain all his acquisitions in France, and even those places were to be restored to him which Henry had taken by way of reprisal for the French depredations by sea. Henry was likewise to pay the king of France five thousand pounds every year; and thus, says the old book of Peterborough, the king finished this expedition, without either honour or glory.

The truce with France concluded.

Though the truce was ratified on the 12th of March, yet Henry did not sail for England before the end of September following. This delay was occasioned by several causes. The English government had long neglected the care of the marine; so that, notwithstanding the conclusion of the truce, the earl of Brittany's squadron still continued to insult the coasts of England; and it was very unsafe for Henry to put to sea without a proper convoy, which the regent found difficult to fit out. On the other hand, the Gascons and inhabitants of Bourdeaux were extremely unwilling to part with so profitable a guest as Henry was, and were daily inventing some pretext to retard his departure. Add to all this, that the queen, not being yet quite recovered, found it very dangerous to venture on the seas. Henry, however, at last, having got a proper convoy, and being informed that his military tenants were waiting his arrival at Portsmouth, embarked for England. But no sooner had he put to sea, than he was obliged to return to quell an insurrection among the inhabitants of Bourdeaux; and then again setting sail, he landed at Portsmouth, on the 25th of September.

Henry returns to England.

Notwithstanding the many provocations the English had received from this prince, they were extremely rejoiced at his return: he



A. D. 1244.

The Jews are forced to pay large sums.

Richard earl of Cornwall marries.

he was received with the greatest demonstrations of affection by all ranks of people; and, to indemnify himself a little for his late expences, he forced the Jews, who were then very rich, to pay him an immense sum of money; while the clergy presented him with a loan, or rather a gift, to a great value. But the most part of this treasure was soon after dissipated in the celebration of a match, which had been concluded before Henry left France, between his brother the earl of Cornwall, and Cincia his sister-in-law. This match had compleated the reconciliation between the two brothers; and the young lady now arrived in London, under the tuition of the countess of Provence, her own, and the queen of England's, mother. The accounts we have from Matthew Paris, of the magnificence of this wedding, are incredible, since, for one particular, he tells us, that no less than thirty thousand dishes of meat were provided for the guests. From Westminster, where the wedding was celebrated, the company removed to Wallingford castle, where Henry and all his peers were nobly entertained at their Christmas by the earl of Cornwall; and the countess of Provence soon after left England.

A prodigious scheme was now on foot, but by whom it was formed does not clearly appear: it tended to no less than annulling the royal prerogative, and is by no means to be vindicated on the principles of the English constitution. For Henry finding it necessary to call his parliament soon after Christmas, in the year 1244, laid before them the necessities of the government, and that the behaviour both of the Scots and Welsh had been such as required immediate chastisement. He then informed them of the great debt he had contracted by his late expedition into France, which, he pretended, was undertaken by their advice; and concluded with demanding a supply. The answer of the assembly was, That they would consider of it. They accordingly (for the first time that we meet with in the English history) separated into three bodies, the clergy, the earls, and the barons; by which, I apprehend, is meant all, whatever their rank or station was, who held of the king in chief. This I take to be the first clear and unexceptionable division of the four ranks composing parliament, viz. of the king, lords spiritual, lords temporal, and commons. But it must be owned, that the barons in those days, and those holding in capite of the king, however reduced from what barons were of old, are far from answering what is now chiefly understood by the word commoner. It is plain, however, from each order chusing committees of their own number, that they considered themselves, in some measure, as separate. This, therefore, may be rather called the embryo, than the pattern, of our present parliaments. But, be that as it will, it is certain, that the members of it had entered upon a very deep and dangerous scheme. It was, that four persons, in the highest credit in the kingdom for riches or reputation, should be chosen by parliament, and should

be sworn into the king's council. These persons were to be sole ministers, little besides the name of royalty remaining to the king. Two of them, at least, were to be present about his person. Without their consent, nothing civil, military, or ecclesiastical, was to be transacted. They were to hear all complaints, and to redress all injuries. By them the public treasury was to be managed, and public taxes applied. But that which was more dangerous than all the rest was, that they were removeable only by the same authority by which they were chosen; and in case of one dying, his place was to be filled up by the other three within two months. In short, they were to be stiled the conservators of public liberty; and by them not only the parliament was to be summoned, but all the great offices of state were to be filled up.

The intelligent reader will easily perceive the danger of corruption and tyranny to which this new model of English government was subjected. The foundation of the scheme was, the inefficacy of the great charter hitherto, for securing their liberties, or of obliging the king to performance. It was therefore proposed that another charter should be made out for this form of government, and that the prelates should be solemnly invested with the power of excommunicating all who should endeavour to divide the king and his people. Upon the whole, I am apt to believe, that the miscarriage of this dangerous scheme was owing to the wisdom of the clergy: for, upon the parliament's demanding time to consider of the king's speech, the three bodies went apart, and a committee of four was chosen from each. On behalf of the clergy, Boniface archbishop of Canterbury, the bishops of Winchester, Lincoln, and Worcester; on behalf of the earls, earl Richard the king's brother, earl Roger Bigod, Simon Montfort earl of Leicester, and the earl-mareschal; and on behalf of the barons, Richard de Montfichet, John de Baliol, with the abbots of Ramsey and Bury. Those persons were appointed to be the mouth of the whole parliament, and no propositions were to be either made or received but through them. Their great scheme of government was not yet ripe for discovery; the committees, therefore, were contented to retire apart, and to pave the way to it by degrees. They prepared a kind of a petition, complaining of the administration of justice, on the part both of the high justiciary and chancellor, and demanding that those two officers should be removed, and such persons put in their stead as should be agreeable to the people, and restore the constitution to its due vigour. It is very probable that the king himself, or some of the more discerning courtiers about his person, had received some intimation of the intended alteration of government; for though Henry, especially when in difficulties, was apt to displace or to employ ministers as he found them most convenient for his purposes; yet he was advised, on this occasion, to hold out; since, if the parliament had had the naming of these two great

A. D. 1244.

Committees chosen.

The original of the division of the estates of parliament.

A scheme to alter the constitution.



A. D. 1244. officers, they might have put a clog upon the designs of the administration. Therefore all the committees could obtain was, a general promise from the king to remedy whatever was done amiss, upon proper information. A resolution was then taken to adjourn the meeting; but the members being determined to carry their point, before they rose, came to a previous resolution, that if the king did not displace the ministry, and chuse others in their room who should be agreeable to them, they would grant him no aid; and that, even in case they should grant an aid, it should be upon those terms, That the money should be applied and disposed of, at the inspection and direction of the committee of twelve, for the benefit of the kingdom.

The vigorous resolution of the parliament against the government.

Had the great men rested the measure of their opposition here, all had been right; but this was only a prelude to more unconstitutional measures. The king, during the recess, renewed the old policy of dividing the opposition. With this view he persuaded the prelates, and other great ecclesiastics, to assemble by themselves, in a separate body, in the infirmary at Westminster. Here we meet with an eminent instance of firmness in this reverend assembly. The king first plied them with the pope's bulls, and sent the earl of Leicester, Peter Savoy, and several others, to manage his interest with them; but finding them still cold, he came himself in person, and entered with them upon a warm expostulation with regard to the necessities of the crown, protesting, by his usual oath, That his honour should ever be in common with theirs, and their interests the same with his own. The prelates discovered a manifest backwardness to have their deliberations over-awed by the royal presence; they therefore told Henry, That they would immediately enter upon a debate upon what he had proposed. This gave the king an intimation of their meaning, and he retired in the utmost confusion. The debate was then opened, and when some of the assembly thought it decent to treat with the crown in more mild terms than the laity had done, an end was put to all their deliberations by the bishop of Lincoln, in these words: "We will not be divided from the common council of the kingdom, because it is written, If we are divided, we shall all straightway perish." This reasonable and wise resolution, I am inclined to believe, that day, saved the liberties of both the church and state of England: for, could the pope and the crown, on this occasion, have prevailed with the clergy to have separated from parliament, the consequence must have been a total division between them and the laity; and thus they must have been obliged to throw themselves into the arms of the regal and papal power, and, in the end, to have renounced all their baronial rights. But this firm stand had disconcerted all the measures of the court; for when the king returned in person, and entreated them, says Matthew Paris, to continue their session but for one day longer, they refused, continues he, to be entrapped, and parting early in the morn-

The firmness of the clergy against the court.

ing, they wisely escaped the snares in which they had been for some time entangled.

This spirit of the clergy gave the court a fore-taste of what it was to expect as soon as the parliament resumed its session; for, when the time of adjournment was elapsed, all that the king, by the most solemn promises to observe the great charter, could obtain, was twenty shillings of the fee of every knight who held in capite, for the marriage of his eldest daughter; a supply very disproportioned to the exigences in which he was involved. It is observable, that, during the last sitting, no mention is made of the intended alteration of government. This, as I have already hinted, was owing to the clergy; and, according to my authority, they made their differences with the church of Rome the pretext for laying the scheme aside.

A. D. 1244.

They grant the king an aid of twenty shillings out of every knight's fee.

For the divisions between Henry and his parliament had again encouraged the pope to send master Martin, one of his publicans, into England, as his nuncio, and with powers exceeding those of all his predecessors in extortion. These were, That he should excommunicate all those whom he should find refractory to the papal commands, as contained in a bull he carried along with him; and that all the creatures and dependants on the fee of Rome should be provided with livings in England, worth, at least, thirty marks a year. Besides the oppression, the insolence of this Martin was intolerable; all ecclesiastics who would not gratify his vanity were suspended, and those who would not gratify his avarice were excommunicated.

Farther oppressions of the fee of Rome.

But as the parliament was sitting while he was exercising all this insolence, Henry grew jealous lest his own wants should remain unsupplied, that those of the pope's might be filled up. This produced a breach between master Martin and the court, which, perhaps, might be one reason why the parliament so readily came into the supply they had granted. For Martin wanting to make this supply to the king a precedent for granting one to the pope, he was told by the clergy, That the matter was of such consequence, and affected so many different interests, that they could not, at that time, give him any positive answer. A message, by a mareschal, came likewise, at the same time, from Henry to the spiritual peers, strictly enjoining them not to subject their lay-fees to the pope. Thus the griping publican, being disappointed by the firmness of the clergy, he was obliged to be contented with what he could amass from ecclesiastical vacancies, and those who were more immediately under the pope's sway.

Breach between Henry and the pope.

It was perhaps, in some measure, owing to this difference, that several new ministers were then employed by Henry, particularly John Mansel, whom we have already mentioned. But Henry, at this period, was threatened with other disputes than those with his own people: for the unfortunate Griffin, brother to the Welsh prince, being now weary of his long confinement in the tower of London, seeking to escape, had his



A. D. 1244.  
Insurrection in  
Wales.

his brains dashed out by a fall. David, his brother, who, while Griffin lived, durst not venture upon any attempt disagreeable to the court of England, being now freed from his greatest dread, immediately got together a body of troops, by which, in violation of the convention subsisting between him and Henry, he attacked the wardens of the Welsh marches, the chief of which were the earls of Clare and Hereford. A battle, with but little loss and doubtful success, ensued; but the Welsh seem, however, to have been for some weeks quieted.

M. Paris.  
A war threaten-  
ed with  
Scotland.

But this insurrection was not so formidable to Henry's government, as a declaration made about the same time by the king of the Scots, that he was resolved not to hold any longer a foot of land in Scotland of the crown of England. I am, from what has fallen from the English historians, very apt to believe that Henry had, by the persuasion of one Bisset, who had, with all his family, been banished from Scotland for treasonable practices, made some very unjust demands upon that crown, that he might have a more plausible pretence for asking subsidies from his parliament. Whether Alexander had, for any time, suffered aught in prejudice of his independency as king of Scotland, is uncertain; but it appears, that, relying upon the friendship and assistance of his brother-in-law (1) John de Cuscey, a powerful French nobleman, and a determined enemy to the royal family of England, he now resolved to assert his own rights. It likewise appears, that the motives of Henry's breach with the Scots, were extremely unpopular among the English themselves (2). Alexander did not fail to improve this circumstance to his own advantage: he appealed to all his own noblemen, and to those upon the borders of the two kingdoms: he demanded assistance of them, and fortified the castles upon those borders to the best advantage. His cause seemed so just, that Paris acquaints us, so vast a number of nobles and powerful men furnished him with aids, and that with great good-will, that in a short time he got together an incredible army. Henry, alarmed at this, was now obliged to summon together his military tenants, to meet him at Newcastle upon Tyne. He likewise declared the motives of the war, which, though they do not express, certainly imply, some superiority which he claimed in Scotland: for he pretended that Walter Cumin, and other Scots, had violated conventions subsisting between the two crowns, by building two castles, one in Galloway, and another in Lothian; and that the king of Scotland had given re-

fuge to some English rebels, in correspondence with France. It would seem, by what Matthew Paris has said, that the English nobility, though they attended the royal summons, were by no means satisfied with the justice of the quarrel in which they were likely to be engaged, and, perhaps, not a little apprehensive of the danger. For Alexander, whose person was extremely popular in England, was at the head of no fewer than a thousand horse, and a hundred thousand foot, of his own subjects and his allies, all well appointed, and all determined to fight to the last (3). It was no wonder, taking all those circumstances together, if the English nobility, the earl of Cornwall especially, mediated a peace between the two kings. Their mediation was successful, and the terms of the agreement equal and honourable for both parties. The Scot engaged, not to enter into any confederacy with the enemies of Henry, whom, for his English estates, he calls his liege-lord; nor to invade his estates, unless he should be oppressed by the crown of England; a remarkable provision! And the treaty of York, made in presence of Otho the pope's legate, is renewed and confirmed. These are the principal articles of this treaty, as we find them in a charter granted by Alexander, and published by Mr. Rymer. But the Scots have, I think unjustly, reproached Matthew Paris for not mentioning that a counter-part of the same treaty was given by the king of England, by which Henry was, in like manner, obliged not to make war with the crown of Scotland, nor to confederate with its enemies. As to the fact itself, I think it immaterial, the rather as we find, that certain articles of agreement, of some sort or other, were sworn to on behalf of Henry by the earl of Cornwall. But the authority by which they endeavour to establish the fact, ought to be very cautiously admitted, because extremely questionable, and founded only upon a nameless, unauthenticated list of writings, pretended to have been carried out of Scotland by Edward I. of England. By the same convention it was agreed, but I think only verbally, That the marriage between the prince of Scotland and the princess of England, that had been projected before, should now take place. Thus both kings parted, with great demonstrations of affection to each other.

Henry was then at the head of a great army; but his natural propensity to luxury and ease, hurried him to his palace at Westminster, though the Welsh were then actually in arms upon his territories. A government so infirm as Henry's was, is ever liable

A. D. 1244.

A treaty con-  
cluded be-  
tween the two  
kings.

Vol. i. p. 429;  
Abercromby,  
Anderson.  
Remark.

(1) Our historians have generally dated this difference between the two kings, from the marriage between Alexander and the daughter of Egelrand de Cuscey, whom they suppose to have fomented the enmity between the two courts; but it is plain, from Matthew Paris himself, that Egelrand was now dead. Besides, as Abercromby well observes, this is not probable; and, but two years before this time, the marriage between prince Alexander (the son of king Alexander and his French wife) and Margaret of England, was agreed on; nay, the north parts of England had been committed to the care of the king of Scots, who, had he designed to disclaim the fealty he had sworn for his English lands, would certainly have done it while the north parts of England were in his own hands. Abercromby's Hist. of Scotland, vol. i. p. 422.

(2) A consummate villain and traitor, one Walter Bisset, was continually teasing the king with his adherents; nor did he forbear, till he prevailed upon him to raise a powerful army, and march northwards against Alexander king of Scots, whom the king of Scotland met at Pestelante; but a peace was agreed upon, by the mediation of the archbishop of York and some other noblemen. Lib. Pet. de Burgo inter Sparkes Scriptor. Anglican. p. 109.

(3) For the king of Scots was just, good, pious, and good-natured; and was equally beloved by the English and the Scotch, and very deservedly. Matt. Paris, p. 436.



**A. D. 1244.** to corruption and oppression. There is too much reason for believing, that both had been practised by the noblemen who had estates on the borders of Wales, and who, by their tenures, were more independent than any other rank of English subjects. David, who still governed in Wales, had seen the paramount power of the pope in England get the better of the crown itself; he therefore sought to shelter himself and his subjects under that power, against the injuries they suffered from Henry's government. In short, he offered to hold his country of him, at the yearly tribute of five hundred merks. The pope, unwilling to break entirely with the court of England, neither discouraged nor agreed to this proposal; but, under a shew of moderation, pursued the most insolent measures. For, by his bull, he erected a kind of tribunal of inquest, in which the abbots of Aberconrwey and Kemere were to preside. The same abbots then actually summoned Henry to appear before them, and answer to the complaints alledged against him by David. This step had a bad effect with both princes, the one being enraged at the insolence, and the other at the delay, of the pope. David then, taking advantage of Henry's absence, fell upon the English estates with great fury. The earl of Hereford and Ralph de Mortimer made head against him, and kept him in play till Henry (now returning from his Scotch expedition, and at the head of a fine army) might have come to their assistance, and have entirely quelled the invaders. Henry was inconsiderate enough to disband his army, and to send no more than three hundred horse, under the command of Herbert Fitz-matthew, to serve against David. But the latter, attacking the earl of Hereford and Mortimer before this reinforcement could come up, gained a complete victory, which was followed by another next day over Fitz-matthew. Those two disgraces alarmed Henry, and gave great indignation to all Englishmen. But the king, still immersed in pleasure, neglected taking any vigorous measures for some time. His boundless prodigality to foreigners had now brought him so much in debt, that Matthew Paris, who wrote upon the spot, tells us, he durst scarcely appear abroad for the clamours of his creditors, who furnished wine and other necessaries for his household.

It was owing, perhaps, more to these difficulties, than to any concern for the public safety, that he called a parliament the beginning of November. A supply was demanded to enable the king to subdue the Welsh; but, says my authority, the members had been so often baffled and bubbled, that they flatly refused it to his teeth. The truth is, the parliament did not think that the Welsh were either much to be blamed, or much to be feared.

But Henry endeavoured now to make himself amends in a much more unjustifiable manner. I have, on several occasions, taken notice of the intermingling interests of the French and English. These were not indeed now near so considerable as formerly; but

they were still considerable enough to create vast disquiets in both kingdoms. Upon every rupture between the two crowns, those who had property in both kingdoms, joined that prince under whom the greatest part of his estate lay; while his estate under the prince, whom he had abandoned, was immediately seized, and put into the hands of some other person, who generally was obliged to give it up upon the determination of the war. This could not fail of creating vast animosities among particular noblemen and gentlemen; so that the great fees, especially in France, were commonly filled with blood and rapine. Lewis king of France resolved now, by one bold measure, to close this scene of civil discord within his dominions. In a parliament which he held, he made a speech, in which he declared himself in terms of the scripture, "That no man could serve two masters;" and gave all his subjects, who held estates under his crown and that of England, the alternative of holding either under the one or the other; but concluded with expressly declaring, That they should not hold under both. Besides the political reasons I have already given, we are to observe, that it was not so unjust as at first sight it may appear; it was indeed directly contrary to the principles of the feudal law; but those had been infringed and altered in so many respects, that they had now lost their purity in both kingdoms. Add to this, that the estates which possessors, on this occasion, were obliged to abandon, were, in reality, a very little addition to their revenues; since, while the breach subsisted between the two crowns, the devastations and ravages committed upon them during that time, were generally greater than could be repaired during the succeeding truce. The conduct of Lewis, therefore, was not only politic, but fair; but that of Henry, on the same occasion, was neither the one or the other; for, without proposing any alternative to the parties concerned, he immediately seized the estates of all the French within his dominions. This was represented at the French court as a breach of the truce, and Lewis had need of all his moderation to keep the complaints of his subjects from breaking out into open violence.

During those transactions between the two monarchs of France and England, Henry's brother-in-law, Frederic emperor of Germany, still continued to be deeply embroiled with the see of Rome. He had filled all Europe with his manifestos, by which he declared himself ready to refer his differences with the pope to the kings of France and England; but the other declining this arbitration, the emperor made so good use of the secular arm, that his holiness was driven out of Italy. The emperor, upon this success, sent an envoy to the court of England, who very sharply reproached Henry with having suffered the pope's creatures to make so many contributions in England, with the professed purpose of their being employed against him. The emperor threatening, at the same time, that if Henry did not put a stop to such practices, he would be revenged

David prince of Wales offers to hold his lands of the pope,

and defeats the earl of Hereford and Fitz-matthew.

The parliament flatly denies the king an aid.

**A. D. 1244.** The conduct of Lewis and Henry very different.

The emperor reproaches Henry for assisting the pope.



A. D. 1245. venged of all the English who should fall into his hands.

Prince Edward  
born.

Rymer, vol. i.  
p. 431.

Fitz-matthew  
killed by the  
Welsh.

In the middle of January, 1245, the queen was brought to-bed of another son; while Henry was employed in great preparations against the Welsh, who were still in arms. For this purpose, a letter was directed to Hubert, the justiciary of Ireland, with orders, that he should furnish provisions of wine, corn and bacon, to the king's army, which was to serve against the Welsh. But, about the beginning of Lent, the Welsh were surprised by the constable of Montgomery castle, and three hundred of them cut in pieces. This loss was revenged by David, who fell with great fury upon the adjoining estates of the English noblemen, who, to repress him, raised the militia of the country, under Herbert Fitz-matthew: but this captain, breathing revenge for his late defeat, and unacquainted with the country, was soon surrounded, and killed by the enemy. His death discouraged the English so much, that they hastily retreated; while David took advantage of their consternation to storm the castle of Montalt, and put most of its garrison to the sword. This success obliged the court of England, about the beginning of March, to listen to the proposal of a truce, which, if concluded, certainly continued but for a short time.

The late flight of the pope from Italy, and the prevailing arms of the emperor, had put the princes of Europe, in some degree, on a level with his holiness. He was now reduced to implore refuge at the courts both of England and France; but was denied it at both, and forced to take up his residence at Lyons, which was then under the immediate government of its own archbishop. There he summoned a general council, that he might proceed with the greater effect against the emperor. His agent, master Martin, was all this while continuing his oppressions and exactions in England; nor had Henry the virtue or courage to oppose him with resolution. For, when some of the nobility took upon them to give orders, that no more bulls for money should be executed, and when they had actually seized a messenger who brought a parcel of those bulls, the fellow was, upon Martin's complaint to the king, released by his express order. It was with the utmost difficulty that his noblemen could prevail with him to put on so much assurance, even during the fallen estate of the papal power, as to enter upon an inquisition into the value of the livings possessed within England by Italians. These he found to amount to sixty thousand marks a year; a greater sum than the actual revenues of the crown, in those days of profusion and necessity. This plain demonstration of papal exactions awakened Henry to a sense of his own condition, and that of his people. A letter was immediately ordered to be wrote to the council of Lyons, in the name of the parliament; and a resolution was taken to drive master Martin by force out of England, if he could not be prevailed upon to depart by persuasion. For this purpose the nobility agreed to hold

a tournament, and to assemble at Luton and Dunstable to concert measures. But Henry's irresolution again got the better of him: he sent to forbid the meeting. Notwithstanding this, the noblemen assembled according to appointment, and Fulk Fitz-warren, a man very proper to execute such a commission, was sent to deliver the commands of the meeting to master Martin, who was then at the new temple at London. Fitz-warren arriving thither, with a stern look, bade the publican be gone. The other, unused to such treatment, demanded by whose orders? "Not by mine, replied the other, but by those of a body of English knights now in arms; therefore be gone, I say again: for if you, or any of your followers, are found on English ground in three days, you shall be cut in pieces." Martin made use of the short time allowed him in applying to the king for protection; but Henry told him, he was scarcely able to protect himself from the resentment of his own barons, occasioned by Martin's robberies and oppressions. The publican durst not dally longer. He demanded a passport, which was not only granted him by Henry, but a royal officer was sent along to the sea-side, to protect him against the ill usage of the justly-incensed people.

In the mean time, commissioners from the parliament arrived at Lyons, with their letter to the pope and the general council. The letter itself is curious and strong, and not void of elegance. It was presented to the council by the secretary of the commission, one William Poweric, and contains a narrative of all the oppressions the church and state of England had laboured under from the Italians, the prodigious revenue they enjoyed in the kingdom, with the insolence and exactions of master Martin. The charge was ushered in by a very bold speech from the same secretary, who loudly disclaimed the tribute that had been paid, and the submission which had been made to the see of Rome, as being granted or extorted without consent of the barons and great council of the kingdom. The pope appeared confounded, both during the speech, and reading of the letter; and his confusion was heightened by an additional charge from the commissioners, for his frequently cancelling his own acts by clauses of non-obstante inserted in his bulls and deeds. This, by our historian, is termed a violent oppression, an intolerable grievance, and an impudent exaction. All that the pope replied was, that the matters were so high in their nature, as to require deliberation. But this answer was far from satisfying the commissioners: they insisted upon immediate satisfaction; and finding they were trifled with, they took their leave of the council, after entering a solemn protest, and bitterly swearing against any future payments of the shameful tribute, or any money out of the incomes of churches, to which laymen presented. The pope politically dissembled his resentment at all this; but seeing himself in danger of losing all his interest and profits in

A. D. 1245.

Martin the  
pope's nuncio  
commanded  
to depart the  
kingdom.

The parliament  
sent  
commissioners  
to the council  
at Lyons.

The nobility  
seize the  
pope's messenger.



A. D. 1245. England, he sent over a bull, requiring the prelates to confirm the charter of submission which John had made to the see of Rome. This, says Matthew Paris, they were, inexcusably, weak enough to do, to the great grief of the king and the kingdom: for when Henry heard of it, he swore, in a great passion, "That however scandalously the bishops had behaved; yet he would, while he lived, stand by the liberties of his people." It must be owned, that this vile compliance cancelled great part of the merit which the prelates had acquired by their late behaviour; but it is difficult for us, at this distance of time, to judge of their motives.

The bishops attest king John's charter.

Fitz-geoffrey justiciary of Ireland defeats the Welsh in Anglesey.

The earl-mareschal's family extinct in the male line.

The justiciary in Ireland had neglected to obey the king's writ, in furnishing him with provisions and men against the Welsh; and the truce, if any had been made, being now expired, Henry resolved to take the field. With this view he took his leave of the citizens of London in St. Paul's church, and ordered his military tenants to attend him into Wales. A new justiciary had by this time been appointed for Ireland, his name John Fitz-geoffrey, and he proved more active than his predecessor had been in the king's service. For about the time that Henry was taking the field, he landed with a body of Irish in the isle of Anglesey, where he put numbers of the Welsh to the sword, and destroyed great part of the country: but he was ill supported by Henry, who was unable to advance against the enemy before the beginning of August. Upon his approach, the Welsh as usual, retired to their fastnesses; and Henry, unable to follow them, lost part of his army by their sudden irruptions from the mountains. At last, he built, and strongly garrisoned, the castle of Ganoc, and, after doing what damage to the enemy he could, he returned to England, where he had begun to rebuild, in a magnificent Gothic manner, the abbey church at Westminster, upon the model we now see it. This year the male line of the illustrious family of Strongbow, earls mareschal of England, and earls of Striguel and Pembroke, extinguished in the person of earl Anselm, who succeeded his brother earl Walter, and enjoyed the honours for only a few weeks. This great estate was divided among five surviving sisters.

The council had before this time broke up at Lyons, where the emperor Frederic was both excommunicated and deposed, and the king of France was making preparations for going upon a grand crusade. Henry was

keeping his Christmas at London, when he was surprized with the news that his mother-in-law, the countess of Provence, had delivered up to the court of France all the earldom of Provence, upon condition that the earl of Poitiers, brother to the king of France, should marry Beatrix her youngest daughter. This was a terrible disappointment to Henry, who had expected a great part of that earldom as a portion with his wife, and had, in that expectation, advanced large sums towards the support of castles and forts upon the earldom.

A. D. 1246. Provence given up to France by that countess.

But the English, about this time, were freed of a dangerous enemy, by the death of David the Welsh prince. His sister, who should have succeeded to his estates and honours, had been married to Roger Mortimer, an English nobleman, and that consideration alone was sufficient to deprive her of the succession. The Welsh, therefore, in a general meeting of their states, raised to their principality the two natural sons of Griffin, the same who was killed in endeavouring to escape out of the tower; their names Llewellyn and Goche.

Henry's farther extortions.

Henry continued still needy and craving, and the city of London, though highly harassed by him, was about this time obliged to advance one thousand merks to relieve his necessities. But, to make them some retribution, a parliament was summoned, about Mid-lent, for the redress of public grievances, and especially of those suffered by papal encroachments. In this parliament very severe resolutions were agreed to against robbers of warrens and parks; but the main design was to draw up a body of grievances suffered by the people, which were to be laid before the pope for redress. Accordingly, after the king had conferred apart with the different ranks which composed this parliament, a kind of a state of the nation's condition, and the hardships she suffered from the Romish see, was drawn out, which, as it contains little besides what we have already taken notice of, I have inserted in the notes (1). This was followed by letters of remonstrance from the king, the nobility, the barons, and all the inhabitants of the sea-ports, loudly complaining of their intolerable pressures under the exactions of the pope and his agents. But the pope, little regarding those remonstrances, instead of abating, rose in his demands: for he now pretended to charge the livings of great ecclesiastics with a kind of military service, by ordering them, in proportion to their greatness, to keep some five, some ten, and some fifteen men completely armed, to

(1) First, That the pope, not content with the payment of peter-pence, oppressed the kingdom, by extorting from the clergy great contributions, without the king's consent, against the ancient customs, liberties, and rights of the kingdom, and against the appeal of the procurators of the king and kingdom in the general council of Lyons.

Secondly, The church and kingdom were oppressed, in that the patrons of churches could not present fit persons to them, because they were given by the pope's letters to Romans, who understood not the language, and carried all the money out of the kingdom, to the impoverishing of it.

Thirdly, The nation was oppressed by the pope's exaction of pensions from churches.

Fourthly, The church and nation suffered, for that Italians succeeded Italians, and the English were forced to prosecute their right out of the kingdom, against the customs and written laws thereof, and against the indulgences of the pope's predecessors granted to the king and kingdom of England.

Fifthly, The church and nation infinitely suffered by the clause of non-obstante, which weakened and enervated all oaths, ancient customs, written laws, grants, statutes, and privileges.

Sixthly, The church and kingdom suffered, for that in the parishes where the Italians were beneficed, there were no alms, no hospitality, no preaching, no divine service, no care of souls, nor reparations done to the parsonage houses.



A. D. 1247. be employed as he should direct. He likewise claimed the administration to all clergymen dying intestate, and a fresh tallage from all the English clergy; but those two exactions were so vigorously opposed by the king and the nobility, that he was obliged for the present to drop them.

The pope's exorbitant demands opposed by the king's nobility.

About the beginning of July, a parliament was held at Winchester, for receiving the report of the messengers who had been sent to the pope to solicit redress of the public grievances; but all they had to say giving the parliament only the prospect of fresh exactions, orders were issued out, in the king's name, for stopping all farther payments to the pope. This resolution might have been attended with very salutary effects, had it not been that the earl of Cornwall, who expected some favours from the pope, interposed his interest with the king, to get the order set aside; upon which a contribution was paid. This encouraged the court of Rome to new exactions; for the pope now claimed one third of the rents of those clergymen who resided upon their livings, and one half from those who did not; but this project miscarried by the opposition made to it from all ranks of people. Henry likewise very seasonably interposed his authority against another abuse which was just creeping in, and might have opened a way to fresh grievances. This was a power assumed by bishops, of censuring the manners of the people under them, by fining and punishing them to an intolerable degree.

Isabella the king's mother dies. Hugh Bigod earl of Norfolk made earl marshal.

This year died the mother of Henry, and wife to the earl of March, a lady no way indebted to fame for morals. And the office of high-marshal of England was now revived in the person of Hugh Bigod earl of Norfolk, who had married the eldest sister of the deceased earl-marshal. This popular step was followed by another, which was Henry's re-admitting the bishop of Winchester, with whom he had been long at variance, into his favour and pardon. The earl of Savoy likewise received this year a pension from Henry, and in return did him homage (a poor retribution to an exhausted exchequer); and a treaty was set on foot for prolonging the almost-expiring truce between the crowns of England and France.

Rymer.

The year 1247 was opened by a parliament, which was to sit for the redress of grievances; but the bishops were so unaccountably intimidated by the pope, that many of them absented, and nothing effectual appears to have been done. Thus a noble opportunity was lost, for Englishmen to imitate the (perhaps) first good example that had been ever set them by France. For a resolution was taken at that court, and solemnly sworn to, that no subject should appear before ecclesiastical courts, for any other cause than usury and spiritual causes, such as heresy and matrimony. Still the intolerable exactions of the see of Rome went forward, and no mean of oppression or extortion was left unpractised by the pope. In vain did the clergy and people of England endeavour to soften him by repeated remonstrances of their in-

ability to answer his demands. All they obtained was a privilege, by which he bound himself to present no more foreigners to English livings, without first obtaining the consent of the crown. But, to counter-balance this sham concession, one Godefrid was this year sent as legate into England, and one Rufus into Ireland, with a commission to renew all the exactions of their predecessors. All those and many other oppressions were fruitlessly complained of by Henry and his people. But he now resolved to proceed somewhat farther than barely complaining. For we find a writ was issued out by the king's authority, in which the following regulations were made, and commanded to be strictly observed, viz.

A. D. 1247.

Godefrid sent legate into England, and one Rufus into Ireland.

First, That no laic should bring any case before an ecclesiastical court, unless it concerned a marriage, or testament.

The regulations of the spiritual courts.

Secondly, The king likewise prescribed the bishops a certain form, whereby to proceed in cases of bastardy, viz. to enquire whether they were born before or after matrimony.

Thirdly, That clerks were prohibited, by the king's writ, to commence any action for tythes before an ecclesiastical judge, by the writ called *judicavit*.

Fourthly, That an oath should be administered to clerks by the king's justices, to discover whether they had proceeded in any case contrary to the king's prohibition; whereas, before, they were not bound to swear but before an ecclesiastical judge in spiritual causes.

Fifthly, Also concerning clerks taken by the king's officers, for crimes laid to their charge by laics, upon common fame.

But those resolutions had little weight at the court of Rome: for the pope increasing his demands, had found means, by what canal is not mentioned, to bring over the prelates to his party. For this reason, when the king, this year, summoned a parliament to meet at Oxford, with an intention to relieve the nation in some measure from those intolerable burdens, the public was amazed to find the prelates complying with the pope's demands, and advancing money for his service. Such of the clergy as were backward were severely harassed by one friar John, one of the papal bloodsuckers. But though the king appeared extremely concerned at the hardships of his people, yet there is too good reason for believing that he was now in a secret concert with the court of Rome. He had never yet broken with the pope, but when he was obliged to it by his barons, or when the exactions of Rome prevented money from coming into his own coffers. His opposition, therefore, upon this occasion, was looked upon as all grimace, and the effect of secret collusion; especially as the pope this year wrote to the great men of England, exhorting them to grant a subsidy to the king.

A parliament at Oxford.

Henry stood the more in need of this, because his court was now crowded with needy

The court of France forbid any laic to be judged in ecclesiastical courts, unless in spiritual causes.



A. D. 1247.

Baldwin emperor of Jerusalem comes to England, and the king's half brothers.

needed foreigners of great distinction, and some of them nearly related to himself, who all expected to be relieved by English money. Among others was Baldwin emperor of Jerusalem, and three of Henry's uterine brothers by the earl of March, one of whom, William, married soon after an heiress of England, and was created earl of Pembroke. All those expences kept Henry in perpetual penury; and the nation was at this time so much impoverished, that the money was clipped to a scandalous degree; nor could all the deliberations of the government, at first, fall upon a way to prevent it, or to punish the offenders.

Lewis king of France was now preparing to set out on his expedition to the Holy Land. As he was a prince most scrupulously just, he invited all who thought themselves aggrieved by his government to bring their complaints to him before he departed. The crown of England had never made any formal cession of its French dominions to that of France; but still insisted upon the promise said to have been made by Lewis, when the treaty of Lambeth was concluded. The English ministry, therefore, laid hold of this opportunity, and was resolved to put their claim home to the conscience of Lewis. With this view the earl of Cornwall passed over this year to France, where he represented the injustice which had been done to his family, by Lewis keeping possession of Normandy, Poictou, and other dominions, formerly belonging to it, in breach of a solemn promise made by him and his father. Lewis was so much shaken by his importunities, that he actually took the advice of his council, whether he could, with safe conscience, keep possession of Normandy. His council being clearly of opinion that he might, could not satisfy him: he ordered an exact state of the case to be drawn up, and laid before the Norman bishops, who, confirming the opinion of the council, quieted his conscience, and the earl returned to England.

Though all this delicacy in Lewis might be mere grimace, yet nothing farther happened to testify Henry's resentment; neither do we find him making any interest for his brother-in-law the emperor Frederic, though a king of the Romans (the earl of Holland) was this year chosen, by the procurement and assistance of the pope, who still continued at war with Frederic.

The truth is, that Henry, for some years, had had nothing to subsist upon, besides the bare revenues of the crown estate. These indeed were very large, and sufficient for supporting him in royal grandeur, could he have been prevailed upon to have kept within bounds as to his expences: but his prodigality to foreigners drove him once more to

the disagreeable necessity of having recourse to his parliament for a supply.

The assembly was very full, and had met together about the 9th of February, 1248. The professed end of their meeting was to consult how to redress the people under their grievances; but it was generally understood, that the king designed to require from them a pecuniary supply. This he accordingly did, says my author; but was severely rebuked by the assembly for his unblushing assurance in demanding such an aid, after the many breaches of his promises, the infractions of his charters, and his ruinous partiality to foreigners. How shameful this was now grown, appears from one article of their complaint; That he had forced some noblemen, of the best blood in his kingdom, to marry foreigners very unsuitable to their own ranks, without ever asking their consent; which, says my author, is the bond of marriage. Other articles of their complaint were, his discouraging trade, through the robberies committed, by his orders, upon merchants; and that no degree of traders, within the kingdom, was free from the oppressions of his officers. He was likewise upbraided for keeping ecclesiastical vacancies in his own hands, and not appointing, as his predecessors had done, such great officers of state as the chancellor, the justiciary, and treasurer (1), as were agreeable to the parliament; but those who minded only their private interest, by oppressing the people.

The king, who did not expect such plain language, was much out of countenance, because, says Paris, he was conscious that all the allegations were strictly true. He, however, endeavoured to conciliate the affections of the assembly by repeated promises, that he would faithfully observe all the articles of the great charter: but the members saw into the hollowness of his heart, and flighted all he said on that head, telling him, That they had been too often deceived for them ever to trust him again; promising, however, to obey his pleasure as soon as they were sensible of an alteration in his behaviour and measures. The assembly was adjourned till fifteen days after Midsummer.

But Henry's disappointment had soured him so much, that he now kept no appearances with the English. He every day discovered fresh aversion to their persons, as if he had been resolved to tire them out by ill usage. It was therefore no wonder, if, after their adjournment was over, they met, if possible, in a worse humour than they had been in before. The king's speech was far from allaying it. He reproached them for their treating him as if he had been their slave: he expostulated with them upon the hardness of his condition, to be deprived of

A. D. 1248.

Paris. The several charges laid against the king by the parliament.

The king of France keeps Normandy.

William earl of Holland elected king of the Romans.

Henry's speech to the parliament.

(1) Both Dr. Brady and Mr. Tyrrel have translated the words of Paris here, as if the parliament had affirmed, that under former kings the parliament had appointed those officers; but, if I am not mistaken, the words of the original imply no more than I have put down. Dr. Brady very pertinently remarks, that there is no instance of this under former kings: I agree there are but few, and, if any, they are not to be drawn into precedent. But the words of Paris are, *Calumniatur iustur dominus rex graviter a singulis et universis non mediocriter conquerentibus, eo quod sicut magnifici reges predecessores sui habuerunt, iusticiarium nec cancellarium habet, nec thesaurarium per commune consilium regni, prout deceret, vel expediret, sed tales qui suam qualemcunque dummodo sibi quaestuosam, sequuntur voluntatem, nec qui reipublicæ, sed singularum quaerunt promotionem, pecuniam colligendo, custodias et redditus sibi primitus procurando.* *Matt. Paris, fol. 498.*



A. D. 1248. the privilege every private gentleman enjoys, of chusing his own servants: he put them in mind of his own dignity as king, and their station as subjects: he promised, at a proper opportunity, to consider of, and redress, all their actual grievances; and, lastly, laid before them the wisdom, as well as justice, of their furnishing him with supplies for recovering his patrimonial dominions in France.

But all was in vain. The king, by trifling with his former oaths and promises, had forfeited the esteem of the people; his character was without dignity, and his power unaccompanied by authority. The parliament treated him accordingly. Henry was told, That they would no longer (upon specious, but false, pretences) impoverish themselves for the benefit of strangers; and they put him in mind of his behaviour and oeconomy during his last expedition into Poictou and Gascony.

The king finding all measures vain for removing this spirit, the meeting broke up; and to so low a pass was Henry reduced, that he was obliged to sell his family jewels and plate for bullion. But it is necessary here to put the reader right as to a mistake he may possibly entertain, as if this opposition in the people had been unreasonable. For we are to consider, that the actual revenues of the crown, at that time, independent of all the gifts or supplies from the public, amounted to upwards of what eight hundred and twenty-five thousand pounds would come to at this time, all charges deducted for collection. All that Henry had to do with this great sum, was the maintenance of his household. His troops cost him nothing, as they took the field in virtue of their feudal tenures. His family was yet too young to be a burthen to his revenue; and his officers of state were paid either by fees which were annexed to their offices, or by the public. Voracious, therefore, must the gulph have been which swallowed up this immense treasure so effectually, as not only to bring him greatly in debt, but to sink his credit so low, as that he could not command money for the decencies and conveniencies (nay, not for the necessities) of life. But the historian informs us of some private circumstances which happened at this time, and which give us a lively idea of the English court and Henry's character.

Henry's distresses.

When the king was reduced to those straits, that he was obliged to sell his plate for bullion, his counsellors hissed, says Paris, the following shameful consolation into the ears of the bubbled king: "As all rivers, at last, flow into the sea, so all the plate you are now obliged to sell, will, some time or other, flow back into your own coffers in gifts; therefore your majesty has no reason to be penfive." After all was sold off, the king asked where they were sold? They told him at London. "Well, replied he, I am convinced that if the treasures of Augustus were to be exposed to sale, the city of London could buy them! for those ill-mannered fellows, who stile themselves

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"the barons of London, are, in fact, an inexhaustible mine of treasure."

A. D. 1249.

This opinion of the riches of London stuck so closely with Henry, that he afterwards took all opportunities of fleecing the citizens. But, about this time, the grievance of clipped money became so intolerable, both to the crown and subject, that an inquisition was set on foot against the corruptors and falsifiers of the coin. Many Jews, Italian usurers (a vermin who had sheltered themselves under the wings of their countrymen, preferred in England to livings) and foreign merchants, were convicted of the crime. Henry's needy court, however, laid hold even of this public distress, and improved it to its own purposes: for all the light money was called in for re-coinage; but the people were obliged to allow a discount of no less than thirteen pence in the pound for the bare coinage. This grievance was loudly, though ineffectually, complained of. But Henry, to ingratiate himself with one part of his subjects, now gave very ample privileges to the inhabitants of Westminster, though greatly to the prejudice of the city of London: for not only a new fair was proclaimed to be held at Westminster, but a kind of an exclusive privilege was granted to it, by which no fair could be held in any other part of England during the fifteen days which this fair continued.

The citizens of London oppressed.

The money called in and re-coined.

A new fair proclaimed at Westminster for fifteen days.

Notwithstanding the pernicious correspondence between the courts of England and Rome was now much abated, yet the oppressions of the pope against the clergy and people were as great as ever. Ethelmar, the king's uterine brother, had been bred to the church, and was now a rising favourite at court. Henry's intention was to prefer him to be head of the church in England; but the pope thwarted him in this design, by advancing his own countrymen over his head. This was not the only mortification which Henry now received from this haughty prelate; for Lewis king of France, having, about this time, embarked for his expedition against the infidels, was apprehensive lest the court of England should take advantage of his absence, by invading his dominions. The near expiration of the truce between both nations heightened this apprehension, and he was obliged to have recourse to the friendship of the pope for the quiet of his dominions. His holiness accordingly admonished Henry in private, that, under the pain of excommunication, he should not invade the dominions of France in the absence of Lewis. An approaching rupture with France, however, was made use of, as a pretence for farther fleecing the subjects.

Lewis king of France goes to the Holy Land.

For, in the beginning of the year 1249, Henry declared his intention of invading France, for the recovery of his patrimonial inheritance there, and demanded a supply from his subjects for that effect. The many rebukes he had got from his parliaments, and his ill success with them on the like occasions, seem to have discouraged him from applying for money in a parliamentary way.

Henry demands more money.



A. D. 1249. Henry first demanded, and obtained, from the city of London a supply, by way of New-year's-gift: he then repeated his demands for more money, which he squeezed from the citizens, who could not help upbraiding him severely for his faithlessness, in so often obliging them to re-purchase the charters and liberties which he had sworn to defend.

and in what manner.

Great robbing in England.

But all he was able to extort in this manner, was insufficient for supplying the craving necessities of Henry's court; he had therefore recourse again to private persons. He closeted the richest of his subjects one by one; he laid before them his necessities; he pressed them for money, promising to reimburse them out of the estates which he intended to re-conquer in France. Some of the most covetous were tempted, by this bait, to part with their money; but the supply was very inconsiderable, especially when we reflect on the shameful manner in which it was exacted. But, indeed, the bad oeconomy of the court had rendered, at this time, the whole land a scene of rapine and robbery. Some foreign merchants, who had been robbed, not being able to get justice in the country, applied to the king for redress. Henry ordered an inquest to be made in the county where the robbery was laid; but, as if all his subjects had been confederates in theft, none were convicted, though the fact was flagrant and undeniable. The first inquest being clapped up into prison by the king's orders, another was summoned, who, terrified with the fate of their predecessors, not only discovered the authors of the robbery, but broke the whole knot of thieves, who appeared to be some of the most substantial inhabitants in all Hampshire. But the matter did not rest here. The necessities of Henry's court had long kept his menial servants and guards without pay; this obliged numbers of them to turn robbers; so that all the roads were infested with highwaymen in royal livery. Many of them were apprehended, and about thirty executed.

Henry's servants rob upon the highway.

A rebellion in Henry's French dominions quelled. The death of the king of Scots.

Neither were Henry's French dominions, at this time, without their disquiets; for we find Simon de Montfort, earl of Leicester, sent to reduce some Gascon rebels, who had taken arms against the government. He acquitted himself of this commission with great abilities; and the peace of their country being again restored, he returned to England, where, some time before, he had entered into the crusade. This year is likewise distinguished by the death of Alexander king of the Scots, a prince of great virtues; but, unhappily for that nation, was succeeded by a son of the same name, who was not quite eleven years of age.

During this lethargy of English spirit, one instance happened, in which the court was opposed, though to little effect. For the see of Durham being now vacant through the resignation of its aged prelate, the king pressed the convent, who were to chuse the successor, to accept of his uterine brother, Ethelmar, for their bishop. The electors,

however, made a vigorous opposition to this: they represented, that the candidate had none of the necessary qualifications to entitle him to that high dignity; and that Henry, in pressing him upon them, was violating the liberties of the church, which at his coronation he had sworn to maintain. But Henry, finding that the want of age was one of the chief objections to his brother's election, told the convent, That he would keep the bishopric vacant, in his own hands, for eight or nine years, till Ethelmar should be of a proper age for filling it.

The pope continued all this time at Lyons in France. He had lately been successful against Conrade, the son of his great enemy the emperor Frederic; and though the earl of Holland had been crowned emperor, yet the pope was now thinking of setting up a rival to him in the Imperial dignity. Of all the princes in Europe, none was so likely to answer his ends as Richard earl of Cornwall. His high quality, his riches and ambition, were sufficient to procure him a powerful party in the empire; and his relation to the crown of England gave the pope all the advantages he could desire in a candidate. It appears that there had been several preliminary intrigues between the pope and him upon this subject; but the earl now set out for Lyons in France, where the pope resided, with a most magnificent retinue, that he might complete the negociation. His train was composed of several of the temporal nobility, and great numbers of the spiritual, who took this favourable opportunity of soliciting their concerns at the pope's court.

Interview between the pope and the earl of Cornwall.

Notwithstanding the many fatal examples of impracticable crusades, and unavailing expeditions, yet that pernicious spirit still prevailed in Europe. Lewis king of France was at this time getting great reputation by his successes against the Saracens: he had taken the city of Damietta in Egypt, and had a fair prospect of making a farther conquest towards Palestine; but the pope, though the patron of all crusades, found means to sacrifice that prince, and all his army, to his own private revenge and resentment. His differences with Frederic the emperor of Germany, and his family, made him look upon them as more dangerous enemies than the Turk or the Saracen; he therefore published a crusade against the emperor, in the same terms, and with the same pains and penalties annexed, as were commonly used in crusades against infidels. This not only disconcerted, but ruined, all the schemes of Lewis, and the French crusaders. But many of the English nobility, who disliked the situation of affairs in their own country, and disdained to serve under the pope against the emperor, put on the cross, and attended Lewis. This was equally disagreeable both to the pope and to Henry. The only way to prevent it was, by the latter taking upon him the cross, which he did this year, with many of his nobility and knights. It is probable, this crusade secretly was designed against the emperor; for we find the pope thundering out his

Progress of the crusade.

The pope publishes a crusade against the emperor.



A. D. 1250.

A. D. 1250.

Paris.

The earl of Cornwall defects the English party.

his anathemas against all the English nobility who should not, upon this occasion, remain with and follow their own king. Notwithstanding this, we find passes granted to several English noblemen, this year, for attending Lewis; but their desertion was too general to be stopped by papal bulls. The king himself was obliged to send his seal to the wardens of the sea-ports, to prohibit the embarkation of all suspected persons.

The earl of Cornwall had now returned to England, but without disclosing the secret of his interview with the pope. As the English party had yet but very doubtful grounds of suspicion of his deserting them, they resolved to make once more a strong effort for the establishment of their favourite points. For this purpose they had agreed to have a meeting, about the middle of May, in London. This meeting I am far from thinking to have been a parliament, but only a consultation among themselves, concerning the proper means for obtaining their ends. But all their measures came to nothing, by the defection of the earl of Cornwall; for that nobleman, instead of giving them his presence and countenance, withdrew to his own estates in Cornwall. This disappointment was the more mortifying, as they had taken precautions, which they thought were infallible, for obliging the king to fulfil his repeated promises, in filling up the great offices of chancellor, justiciary, and treasurer, by their advice.

The king being thus destitute of all hopes of prevailing with his parliament to give money, and the principal curb he had to his measures being taken off by the desertion of his brother from the English interest, he had recourse to extra-judicial methods. In imitation of the pope, the pernicious clauses of non-obstante were admitted into his charters; for the rise and meaning of this term, the reader must consult the notes (1). About this time, Henry likewise sent one Geoffrey de Langley, with a power of enquiring in the north concerning the abuses of forests. This inquisitor behaved with all the spirit of oppression peculiar to his office: gentlemen of estates were ruined, for daring but to mutter against his exactions: their having killed a hare, or any kind of venison, though in allowed places, was made the foundation of expensive prosecutions. Various occasions were likewise taken this year in oppressing the Jews: some were stripped of their estates, for pretended violations of sacred images; others exorbitantly fined, for corrupting the royal seals and charters; and all of them underwent persecution. All those violences served more and more to alienate the affections of the people from the government;

but having none to head them in their opposition, they were obliged to submit. Some of the most considerable of the crusaders, who saw into the designs of the court, pressed the king to begin his journey, and begged for leave to set out themselves for the expedition. Both those requests were disagreeable to the court, and frustrated by the interposition of papal authority. To allay a little, however, of the unpopularity of those measures, we find Henry this year taking a step as insincere as it was mean; for he summoned together all the citizens of London, from the most ancient, says Matthew Paris, to the boy of ten years old, unto the great hall of his palace. There, with tears in his eyes, he besought them freely and cordially to pardon him for the many exactions, oppressions, persecutions, and robberies, committed on them by him and his officers. The citizens, who had been used to such starts of repentance, and knew they were only the prologues of farther exactions, secretly despised them, but seemed to take in good part the king's condescension; though, continues my author, they were unable to obtain restitution of any part of what they had lost. But the other part of his condescension bore with it a better aspect; for all he could extort being still too little for supplying his exigencies, he was at last obliged to reduce the expences of his household, and even those of the pious royal donations, within the compass of a private nobleman. Matthew Paris loudly condemns his frugality, which he calls a sordid parsimony; but he owns, at the same time, it had the good effect of enabling Henry to pay a large part of a debt he owed to the merchants.

Henry reduces the expences of his household.

It was possibly this reduction in Henry's circumstances, that encouraged Walter Clifford, one of the lords marchers of Wales, to put such an insult this year upon royal authority, as to oblige one of the king's messengers, who was bringing him dispatches, to eat the royal letters themselves, together with the very seal which was appended. Though this insult did not pass unpunished, yet it is certain, Henry's personal conduct was now become very contemptible among the English; and nothing but the great credit of the earl of Cornwall, together with the army under Simon de Montfort, who continued still to be successful in Gascony, could have prevented their breaking into open rebellion.

Walter Clifford insults the king's messenger.

But the affairs of the continent had now put on a new face, and Henry found himself involved in unexpected difficulties. The army of French crusaders had been defeated in Egypt, and Lewis himself, with his two brothers, were taken prisoners. As the first

Lewis king of France taken prisoner.

(1) Matthew Paris, ad annum 1250, which was in the 34th and 35th of Henry III, tells us, that the king granted a charter to the abbot of Westminster, contrary to the charters of his ancestors, and those who had reigned in England before the conquest (in lesionem fidei suæ, et juramenti primitivi) to the damage and manifest injury of the church of St. Albans, in a very ancient town, called for its antiquity Aldenham; whence it might seem probable, he says, that the said town was granted to Alban, the most ancient proto-martyr of the English, though all evidences had been silent in the matter. Moreover, that the king granted, by another charter, to a certain tenant, by knight-service, holding in capite of the church of St. Albans, by name Geoffrey, who had married the sister of John Mansel the king's chaplain, free warren in the grounds of St. Albans, and near the town, contrary to the ancient liberties of that church, and charters obtained and constantly used by former pious kings thereof; nay, and contrary to a charter granted by King Henry himself.—Now, when Matthew Paris argued this matter with the king undauntedly, the king answered, "And does not the pope do the same? manifestly inserting in his charters any privilege or indulgence notwithstanding." Petyt's Jus Parliamentar. p. 79.



A. D. 1250. flow of success which that prince had met with had raised the expectation of the French to the highest pitch, so this reverse of fortune sunk them in proportion. The first emotions of their resentment against the authors of this fatal event were against the pope, whom they blamed for not suffering the English to follow Lewis; in which case his army would have received such a reinforcement, as would have rendered it victorious. The French court were so thoroughly persuaded of this, that the earls of Poitou and Provence, brothers to Lewis, came to Lyons, where they upbraided the pope to his face for betraying their brother; and even threatened the safety of his person if he continued longer in France. The pope was conscious how shamefully he had behaved in the matter: he knew that he had not only balked the ardour of the English, but that he had shamefully excused a great many both Scotch and Norwegian crusaders, for a sum of money, from performing their vows. All these considerations rendered the pope so apprehensive of his own safety, that he applied to Henry for leave to reside at Bourdeaux. But the concern of the queen mother, regent of France, for her son's deliverance, made her act with more moderation. Instead of exasperating or intimidating the pope, she soothed and encouraged him to use all his credit and authority for hastening the expedition of the other crusaders of Europe, that if the ways of negotiation failed, those of force might prevail, for delivering her son. The pope, glad if he could save his reputation, or insure his safety, on such terms, did all she requested. He wrote to all the courts of Europe, to quicken their preparations, and to all the bishops and nobility in France, who had already taken the cross, but had not yet entered on the expedition. But being still afraid of the resentment of the emperor on the one hand, and that of the French blood royal and nobility on the other, he again pressed Henry for leave to reside at Bourdeaux. This put the court of England under great perplexities. The truce had been lately renewed with France, and matters were not so well settled in Gascony, and Henry's other dominions there, as that the least spark might not have put every thing into a new flame. On the other hand, the emperor continued the determined and inveterate enemy of the pope, and had hinted, in many instances, that he would look upon any power as his mortal foe who should espouse that interest. But the subject of Henry's greatest perplexity still remains to be accounted for. The pope, in fits of fondness for this beloved money-giving land, had often expressed a burning zeal to pay a visit in person to the English. The passage between Bourdeaux and England was ready and easy, and should the pope pass over, Henry was sensible of the fatal consequences as to his own authority and his people's quiet. Upon mature deliberation, therefore, he answered his holiness, That the request was such as demanded farther consideration; and the death of the

emperor, in the mean time, together with the measures of the court of France, soon delivered him from his uneasiness. An incident happened at this time, which gives us an eminent proof to what meannesses this deluded prince could proceed, to compass any end upon which his heart was set. The bishopric of Winchester being now vacant, the king wrote to the monks of the convent in the most earnest obliging manner, desiring them to chuse his half-brother Ethelmar for their bishop. As there were, it seems, many and great exceptions to the character of the candidate, who had not one qualification to fit him for the office, it was in vain that his letters were seconded by the intrigues of his chief favourites, whom he sent down to influence the election. In short, the objections of the monks were so strong, and Henry's probability of success so small, that he resolved to try what he could do in person. For this purpose he went himself to Winchester, and going into the chapter-house, in a full assembly of the monks, he began to hold forth upon the following words of scripture, "Righteousness and peace have kissed each other;" and made a sermon on this text, in which he used all the motives he could think of to induce them to accept of his recommendation. Perhaps the royal eloquence would have had very little effect, had it not been for a sting in the close of this discourse: for he petitioned with sword in hand, and declared to the brotherhood, that if they refused his request, he would confound them all. This eloquence was irresistible; the young prince was chosen, and afterwards confirmed by the pope.

Henry, who was ever in extremes, this year had a difference with the citizens of London, for a cause unjustifiable on his part, and only a few months after his solemn act of repentance for having ever wronged them. The abbey of Westminster, and its estate, had lately come much into his good graces, and he had granted them certain privileges, inconsistent with others he had before granted, or rather sold, to the citizens of London. The magistracy of that city, upon this, came to court in a body, and laid their grievances before the king; but Henry disregarding their remonstrances, they were obliged to have recourse to the earls of Cornwall and Leicester, and other great noblemen. These being apprehensive of the abbot's growing power, interposed so effectually, that the grant was revoked, and the abbot himself was severely reprimanded.

The expedition into the Holy Land was all this time suspended, though the pretence was kept up for the purposes of oppression.

Henry, however, in the beginning of the year 1251, found himself so much pinched for want of money, that he was obliged to make farther reductions in his household. Plenty and hospitality were banished from the English court, and were succeeded by unprincipled rapine and unpitied beggary. None were welcome guests who did not bring presents not only to the king and queen, but

The pope blamed as the cause of all his misfortunes.

Rymer, vol. i. p. 466.

A. D. 1251.

The king makes a sermon to the monks of Winchester.

Confunderet omnes. Paris.

Henry's partiality to Westminster.

checked by the nobility.

The pope proposes to come to England.

Frederic II. emperor, dies.



*A. D. 1251.* to the young prince; and Henry was reduced to that meanness as to have it often in his mouth, "That alms given to him were more charitably bestowed, than on the wretch who begged them from door to door."

Rymer.

But, notwithstanding all this penury, he found means, about this time, to gratify the earl of Leicester, his seneschal and general in Gascony, with a supply of three hundred merks. That nobleman had behaved with equal conduct and courage in his trust: he had compromised matters in a difference between the in and the out citizens of Bourdeaux, and had reduced all Gascony to entire obedience. But his appointments from Henry had hitherto been so very small, and so ill paid, that his own private estate was quite exhausted in his master's service: however, the late supply gave him fresh credit, and he returned with a new reinforcement this spring to France.

Henry de Bathe, justiciary,

Henry de Bathe was now high justiciary of England, a man of great parts and knowledge in the English constitution, but unfortunately of a squeezing, narrow disposition, which was encouraged by the arts of a proud, rapacious wife. The prodigious estate which this minister had accumulated in a short time, had created him enemies, whose numbers were increased by those whom he had disobliterated or injured by the exercise of his office. Henry's beggarly circumstances at this time were such, that our historian informs us, he, his queen, the young prince, and his court went about, upon their own invitation, from house to house, where, besides their entertainment, they generally expected large donatives. It was no wonder if a prince, thus needy and distressed, should encourage any proceedings which could favour such a charge against so wealthy and envied a subject as de Bathe was, as might infer treason and forfeiture of estate. A knight, one Philip de Arcis, therefore, having charged the justiciary both of infidelity in his office, and treason, the accused was attached in the king's court; but Mansel, who was now become a great favourite at court, offered bail for his appearance. Henry refused this, the case, as he alledged, not beingailable. The bishop of London, however, and a great many of de Bathe's friends, interceding, the king at last gave orders that he should be bailed; twenty-four knights becoming sureties for his appearing, and standing to the judgment of the court. But de Bathe seems to have been conscious either of his own demerits, or of the prepossession of his judges against him; for he was no sooner set at liberty, than he wrote to all his relations, either by blood or marriage, desiring that they would apply to the king in his favour, at first by fair speeches and presents, and that if these did not prevail, they should appear in a more warlike manner, thereby to intimidate the court. This they faithfully promised to do, upon the encouragement given them by a bold knight, one Nicholas de Sandford. But Henry knowing that his own power, and the interest of de Bathe's accusers infinitely out-weighed all the prepara-

tions of the other, appeared the more inexorable upon the intimation of those proceedings. He rejected all presents from the friends of the accused, and put on an air as if nothing but his punishment should satisfy his or the nation's justice. De Bathe knew well to what all this outward inflexibility tended: but was certain that, if Henry persisted in his resolution, he himself must perish; he therefore had recourse to more prudent measures. He applied to the earl of Cornwall and Philip de Bassët, and won them over to his interest. The motives which determined the earl to befriend the accused proves the wretched situation of the kingdom at this juncture. For de Bathe swore by a solemn oath, that, if the king should attempt his life, or even the forfeiture of his estate, he would raise such a disturbance, as should not be in the power of the government to suppress: knowing that the disaffection of the kingdom at Henry's partiality to foreigners would render this the more practicable. The earl was conscious what great causes the people had for a rebellion, and how small a matter might kindle it. He came entirely into the sentiments of de Bathe's party, and applied to Henry in his favour. But the king continued deaf to all his remonstrances; and, about the end of February, de Bathe was obliged to appear, but with a great retinue of armed friends, before the parliament. We may, from what our historian has delivered upon this occasion, conclude, that the assembly was divided between those who depended on the king for their posts and preferments, and those, who (though a great majority) were so thoroughly exasperated at the measures of the court, that they were resolved not to find de Bathe guilty. It was not long before Henry perceived that the majority came already determined; and, upon this occasion, he made an unjust and impolitic stretch of his prerogative. A new charge was now brought against de Bathe, and perhaps the chief and only one that had exasperated Henry. He was impeached not only upon the former articles, but for alienating the affections of the barons from his majesty, and creating such a ferment all over the kingdom, that a general sedition was now upon the point of breaking out. This charge was enforced by a speech from one of de Bathe's brother justiciaries, who declared to the assembly, that he knew the accused to have dismissed without any censure, and for the sake of lucre, a convicted criminal. Many other complaints were urged against de Bathe; but they seem to have been disregarded by all but the king and his party. This exasperated Henry so much, that he mounted his throne, and, with his own mouth, made proclamation, That whoever should kill Henry de Bathe, should have the royal pardon, for him and his heirs. Upon those words he flung out of the room. Many of the royal party, who were extremely keen upon this occasion, were for dispatching de Bathe in court; but his friend Mansel and the bishop of London interposed so effectually, that he

*A. D. 1251.*

De Bathe appears before the parliament.

A new charge against de Bathe.

Henry prescribes de Bathe.



A. D. 1251.  
but is pardon-  
ed upon pay-  
ing a sum of  
money.

was saved; and afterwards, by the powerful mediation of his friends, and the application of a sum of money, pardoned. To such insults must a government, when infirm, submit! and to so low a pass may a misguided prince be brought, that the corrupted and pure, loyalty and rebellion, allegiance and treason lose their names under him, and are confounded in the general aversion which his people have to his government.

It is greatly to be wished, that an estimate, which Henry at this time ordered to be made of all his extraordinary expences since his accession, had come to our hands. We are certain, from Matthew Paris, who refers the reader to his appendix (where they are not to be found) for particulars, that such an estimate was made, and perhaps it was with a view of inducing the parliament to grant a supply. But the necessities of Henry were in some respects useful to his subjects, who, notwithstanding all the exactions of the pope and the king, cannot be denied to have, all this time of peace, carried on a great and extensive trade, while the rest of Europe was torn in pieces, either by domestic broils, or involved in mad, unavailing crusades. The city of London, in particular, this year purchased, for five hundred merks, the privilege of having her mayor sworn before the barons of the Exchequer, and not before the king in person. Henry likewise a-new confirmed to them their rights and privileges; and the citizens, in return, swore an eventual allegiance to prince Edward. The government of England this year likewise received some advantage, amidst the general oppression, by the reduction of part of Wales to the laws of England, and the payment of eleven hundred merks by Alan de la Zouch, for the government of the part which was reduced.

Notwithstanding those petty advantages, and the successes of the earl of Leicester in France, it is certain that the condition of the English may be said at this time to have been miserable, though still remediable. The practice of non-obstantes still prevailed to so scandalous a degree, that one of the king's honest judges could not help exclaiming: " (1) Alas, to what days are we reserved! " Behold the civil court adulterated by the " ecclesiastical, and the stream polluted by " the brimstone fountain." But the successes of the earl of Leicester in France were considered, by Henry, as so many triumphs over the English, and encouraged him to re-

new all his partiality for foreigners and their counsels. For that nobleman, and Guido de Lusignan, an uterine brother of Henry's, landing victoriously at Dover about this time, were welcomed by Henry with the utmost demonstrations of affection; and the deluded prince, now thinking himself safe, gave a loose to all his dangerous affection for the Poictovins and the other French. Among those, besides his own uterine brothers, and the more remote relations of the queen, were the archbishop of Canterbury, the bishop of Hereford, and Peter of Savoy. Their insolence was as boundless as their avarice; to be the friend of his country was a crime in an Englishman, and oppression rose to such a height, that the horses, carts, provisions, and utensils of English subjects were seized at the mere will and pleasure of those inmates, without money, or any other consideration.

The kingdom of Scotland was now under a minor prince, and the government had, for some time, been chiefly directed by the Cunim family, the greatest which that nation had before, or has since, known. Their insolence, however, soon raised them many foes; and it was now resolved, in a council of the nobility, answering to the English parliament, that the marriage between the young Alexander, who was then scarcely twelve years of age, and the princess Margaret of England, should be now consummated. This agreed extremely well with Henry's views, who hoped thereby not only to have the chief management of affairs at his son-in-law's court, but to oblige the young prince to pay him the long-disputed homage for all Scotland. Accordingly Henry kept his Christmas at York, and the year 1252 was ushered in by a splendid appearance of all the nobility and knights of both nations in their richest dresses and equipages. Alexander was knighted by Henry; but none made so great an appearance as the queen dowager of Scotland, who had for her jointure a third part of all the revenues of Scotland, amounting to upwards, says my author, of four thousand merks, from whence we may guess at the computed value of the whole. Matthew Paris has given us an astonishing relation of the pomp of both courts on this occasion, to which I refer my reader; and the king of the Scots behaved with a modesty and prudence which charmed all who saw him. Upon his being knighted, he performed homage for Laudian, which lay within the kingdom of England. The Scotch historians have

Alexander  
king of Scots  
marries.

Is knighted by  
king Henry,

and does ho-  
mage for Lau-  
dian in North-  
umberland.

(1) The occasion was as follows: In those days, says Paris, viz. ad annum 1251, when a suit at law was commenced between Sylvester bishop of Carlisle, and a certain baron, for a manor which the baron had sold to Walter the bishop's predecessor, and would have resumed it again, Sylvester the bishop answered prudently for himself; for his adversary, though his procurators were present, was at that time beyond sea. The bishop therefore obtained the king's letter of protection, during the absence of the baron, and so returned home joyfully. But the adverse party, though keeping silence then, yet, when the bishop was afar off, obtained other letters from the king, That non-obstante the former letters of protection, the baron's cause should go on, Quod factum fuisse non creditur, sine nummorum opitulatione; which he is supposed to have obtained by paying well for it. And he farther tells us, that such letters or writs were frequently issued out, in which this detestable clause was inserted, non-obstante our first letters, or non-obstante the ancient liberty, procedat negotium. Besides this, there crept this sinister interpretation mentioned in writings: for example, If the words ran thus, " We grant this " or that liberty to such religious house," and the house was expressly named; and then followed, " and to all the manors " thereunto belonging," if the manors themselves were not distinctly specified, that clause was construed to be of none effect. But the monk saith, that such construction was manifestly dissonant to reason and all justice; nay, and contrary to the rule of logic, the infallible searcher-out of truth: which when Roger of Turkeley, a good man, and justiciary at that time, observed, fetching a deep sigh, he said, with respect to inserting the said clause, " Alas! into what days are we fallen! Be- " hold the civil court follows the example of the ecclesiastical, and the stream is infected from this poisonous fountain." Pety's Jus Parliamentar. p. 80.



A. D. 1252. strenuously contended, that the Laudian here mentioned is not the Louthians in Scotland, which make so great a part of that nation's revenues and riches; but we shall have occasion to consider this point farther in the annexed dissertations. It appears, however, that the young prince had been extremely well tutored before he came from home. Henry had, some time before, entered a claim upon the independency of his crown, and an appeal to the pope that Alexander should not be crowned in prejudice of his rights: but the pope dismissed that claim, and all others which might affect the independency of Scotland, with a flat refusal. Henry, however, thought this the proper time for gaining his ends. He pressed Alexander to do homage to him for the crown of Scotland, urging the examples of some of his ancestors. But the young prince wisely and modestly answered, That he had come thither to unite himself more closely to him by the relation of a son-in-law, and that at Henry's own invitation; that he was therefore quite unprepared to give any answer to a demand of so much importance, and upon which he had never yet had the sentiments of his people, who alone ought to determine him. Henry, from this answer, easily saw that it would be in vain for him to press the matter farther; he therefore sought to divert all the gloom which such a demand might have upon the minds of the company, by encouraging the mirth and jollity of the occasion, and redoubling his caresses to the young prince, who promised, on his part, to consider Henry as his parent, and then returned to the northern parts.

who is pressed  
by the pope  
to hasten his  
expedition to  
the Holy Land.

The negociation between the Saracens and the king of France continued yet doubtful; and the pope, as well to satisfy the queen regent, as to ensure his own safety, about this time wrote to Henry in the most earnest manner, pressing him to hasten his expedition for the deliverance of Lewis; and if he was not yet himself in readiness, desiring him not to be any obstacle to the setting out of those who were. This caution, it seems, proceeded from some late instances, in which Henry, though by express command of the pope himself, kept several of his nobility at home, after they had been at the expences of fitting themselves out for the expedition. But Henry, who never regarded the expedition farther than as it served his own mean, mercenary ends, made no other use of this admonition, than to make it a handle for fresh impositions upon his subjects, the Jews in particular.

Henry's oppressions.

Among other instances of unbounded rapine, exercised on this occasion, our author has given us one, in which the king robbed the merchants of a waggon-full of cloth, and sent it as his present to the friar minors. But the generous brotherhood, understanding the wicked means by which the king had procured it, abhorred the gift, and sent it back with virtuous disdain.

Though the successes of Simon Montfort in Gascony were great, yet it appears that he fell into that insolence against the nobility, which is but too incident to haughty minds,

swelled by prosperity. The Gascons, a race ill-turned for such treatment, could not bear it long, and this year not only fell upon Montfort's officers, who had been left by him, when he went for England, to guard the country, but sent over a deputation to the court of England, complaining of his conduct. The charge against him was, That, under pretence of supplying the pressing necessities of the king in England, he had extorted an immense sum of money from the nobility, the citizens, and the common people; all which he had put into his own pockets; and that he had imprisoned several loyal Gascons, who had, without suspicion, come to his council upon his invitation. As Henry scarcely had any other view, at any time, than filling his coffers, the riches of Montfort were sufficient to make him wish that he were guilty; he therefore privately employed one Henry Wengham, a sly crafty fellow, to go over to Gascony, to enquire into the facts, and to collect the evidence.

A. D. 1252.  
The Gascons  
complain of  
Montfort's  
conduct and  
oppressions.

But this commission was not so secretly managed as not to come to Montfort's ears: he immediately flew to Henry, and reproached him for his credulity, in suffering himself to be imposed upon by traitors and rebels, in prejudice of a tried servant. Henry coldly answered, "That if his case was so very favourable, an enquiry could never hurt him; nay, that it would do service to his reputation." This answer convinced Montfort of his danger: he behaved somewhat more modestly; and, by his address, had his commission and appointments renewed. The Gascons, hearing this, were so enraged, that, our author tells us, they would have revolted universally from their allegiance to Henry, had it not been for the great advantages they had from vending their wines in England.

Henry's management against Montfort.

In the mean time, Henry was in high expectation, that the captivity of Lewis, and the difficulties his ransom met with, might force the latter to put him in possession of his family estates in France. Paris informs us, that the king of France actually made him the proposition; and that the regent very much inclined to confirm, and immediately to yield up, the countries in dispute, provided Henry should march to the assistance of her son with all his force. But the French nobility being made acquainted with the proposal, treated it with the utmost indignation, openly declaring, that if the king and his mother should be so weak as to make any such cession, the English should not enter upon it, but over the points of their swords and spears; and that, even when these were pointless, they would fight with the shivers in their hands. Henry, however, knew nothing of this obstinacy, when, in consequence of the proposition made at his court on the part of Lewis, he actually ordered an assembly of all the crusaders within his dominions to meet at Westminster, to treat on the most speedy and effectual means of fulfilling their engagements. It appears, that between the time of issuing this summons, and the time of the meeting, Henry was informed of the sentiments of the French nobility, which threw a damp

The opposition of the French nobility to Henry's interests.



**A. D. 1252.** a damp upon all his hopes, so that we hear no more of the negociation. For not long after, the king finding a backwardness to the service all over his dominions, made proclamation for all the Londoners, from the smallest to the greatest, to meet him at Westminster. There he ordered his most celebrated clergymen, in the art of preaching, to employ all the force of their eloquence upon the minds of the hearers, to prevail with them to take the cross; but only a very few obeyed, and those were highly caressed by the king, who upbraided the Londoners as being rascally pedlars for their backwardness in that service. But indeed the farce was now too stale and bare-faced; for though the king swore, in the most solemn manner, that he would in three years enter upon the expedition, the public was convinced that the whole was an impious juggle, and that the king had put the cross upon his shoulders only that he might strip his people of what they wore upon theirs. This reflection became the more formidable, when they understood that the pope had granted him, for three years, the tenths of all the clergy and laity; which, says my author, might amount to upwards of six hundred thousand pounds in the whole.

The Londoners refuse the crusade.

State of Affairs in Gascony.

All this time the affair of Gascony was going from bad to worse. Montfort earl of Leicester, far from being daunted by the late impeachment of his conduct, renewed all his insolence against the inhabitants, who, in a general assembly, resolved to prefer new articles against him at the court of England, and in a more solemn manner. For this purpose, the nobility, constables of castles, and bailiffs all over Gascony, made themselves parties in the impeachment; and the archbishop of Bourdeaux, with some of the greatest men in those parts, were sent over to present and support the accusation. This obliged the earl to pass over to England, where the king, having received the impeachment, ordered two commissioners to repair to Gascony, and enquire into the truth of the allegations. These returning in a short time, reported, that they had indeed discovered some instances of severity, but they believed they were merited. The Gascon commissioners, upon this, pressed for a trial, and then for judgment.

Henry exasperated against Montfort.

As Henry himself was in his own sentiments entirely in the interest of the Gascons, and as the earl had no doubt been guilty of several flagrant oppressions, it would have gone hard with him upon this occasion, had he not improved to his own purposes the aversion which almost all the nobility of England, at this time, had for Henry's person and government. He had the address to persuade them, that the cause between him and the Gascons was, in effect, a trial of interest between the power of foreigners and Englishmen. But here it is proper to premise some facts, which, besides the general inducements, were strong reasons for the earl of Cornwall's supporting Montfort on this occasion.

While the earl was heir-apparent of the

crown of England, and but an infant, he received the homage of all the Gascons, in consequence of a charter, by which he was put in fee of that country by his brother Henry. This charter was afterwards confirmed, to make it the more valid; but after the birth of prince Edward, the king began to repent of his grant, and did all he could to oblige the earl to resign it, but in vain. Various were the methods, both by fraud and force, used; till, at last, all the fraternal love which had so eminently subsisted between them before, was turned to private rancour. The king, however, still asserting his right, applied to the chief nobility of Gascony, and laid before them his intentions of revoking the gift he had made to his brother, whom he abused in the vilest terms, as guilty of repeated falsehoods. He acquainted them at the same time, that if they would defy his brother, he would give them a private security for the payment of thirty thousand merks. The bargain was struck, and both sides performed their obligations. Henry indeed gave the security, but without intending to pay it; while the Gascons, who defied the earl, refused to deliver up the charter. Henry, equally exasperated at them as at his brother, resolved to harass them, by sending Montfort as a scourge to govern them; at the same time he gave him a commission for the lieutenancy of all Gascony for six years. This impolitic procedure, as we have already seen, naturally united the earl of Cornwall with Montfort; and the aversion the English had to his government, obliged Henry to throw himself upon his Gascons, who, it seems, still insisted upon the king's paying the money, before they would agree to perform their homage to prince Edward. Thus, in effect, Henry had such a jumble of interests and enmities in Gascony, that he knew not whom to trust; and they seemed to agree in nothing, but their hatred of Montfort.

**A. D. 1252.** Reason why the earl of Cornwall supported Montfort.

Henry depends on the Gascons.

All this being laid before the English by Montfort, the nobility, who wanted only the smallest handle for a violent opposition, immediately closed with his proposals. This determined him to carry it with a very high hand against the king himself; and the nobility thought, in this impeachment, to give an irrecoverable blow to the interests of all foreigners at the court of England. They could not have found a man more to their purposes than Montfort; haughty, brave, eloquent, and powerful. He despised every nominal terror of majesty; and, with him, no man was his superior who was not more powerful, who had not a bolder heart, or a stronger arm, than himself. Upon this footing he treated Henry.

Strong opposition to Henry.

For when the day of trial came, Montfort appeared in the court, attended by a train of the principal nobility, at the head of whom were the earls of Cornwall, (the sworn enemy of the Gascons) Hereford, and Gloucester. They were apprehensive that, as the charge was for treason, the king might be prevailed with to order Montfort into immediate custody; and they came prepared to prevent it.

Montfort impeached.

The



A. D. 1252. The articles of accusation being read, the earl entered upon his defence with so masterly an eloquence, as destroyed the allegations, and quite confounded the Gascon deputies. But Henry, enraged at the countenance Montfort had got from his nobility, the earl of Cornwall in particular, became in person an advocate against Montfort. This indecent partiality provoked the assembly to some severe reflections, which meeting with reply on Henry's part, came at last to a shameful extremity: for Montfort recapitulating all his services, upbraided the king with suffering him to expend his private fortune in the public service. He put him in mind, that he had granted him his commission for six years, and of the repeated promises he had made him for reimbursing his expences. Henry meanly answered, "That he never would keep faith, in any thing he had promised, with such a villain and a traitor." Montfort, upon this, slighting all regard for the presence of the king and the dignity of the assembly, started up in a violent passion, and told Henry, to his face, that he lyed; adding, "That, were it not for the empty title of king which he wore, he would make it a black hour to him in which he had called him villain and traitor." This would have been followed by an immediate order for seizing Montfort; but the English nobility, to their eternal disgrace, plainly discovered that they would not suffer it, and Henry was obliged to put up with all. Some other altercations passed at the same time, which were entirely personal and are unworthy history to preserve (1). The meeting, therefore, broke up, very little to the satisfaction of Henry and the Gascons. The former saw very plainly, that, if he should

attempt to remove or punish Montfort, he hazarded a rebellion within his own dominions; and the latter, being now without hopes of redress, grew still more untractable. Henry, therefore, making a virtue of necessity, was obliged to send Montfort once more over to subdue the Gascon rebels. He sent for him on that account: "As you love war, sir, said Henry, so well, you may go over again to Gascony, where you will find sufficient employment; and you may, in time, meet with the same reward your father had." Montfort, fired by this insulting way of talking, told his master, "That, ungrateful as he was, he would yet serve him in Gascony; nor would he return before he had made his enemies his footstool." This declaration seems to have been followed by a paper of instructions to Montfort, which we meet with in Mr. Rymer's collection, for composing the affairs of Gascony, and which are foreign to English history.

In the mean time, the earl of Cornwall was so highly provoked with Henry's measures, that he totally withdrew himself from court. Henry, upon this, called together the Gascon deputies, and, in a cajoling speech, laid before them his gracious intentions in their favour, the demerits of his brother towards their country, and his resolution that they should submit themselves to his son, by paying him homage. Perhaps all his eloquence would have been in vain, had it not been attended by most magnificent presents, which, at last, determined them to pay homage, but not fealty, to the young prince. For the difference between these two terms, the reader may consult the notes (2).

Montfort being thus as it were sent in chains

(1) Whereupon the earl told the king he lyed! "and were he not a king, he would make him eat his words;" asking, in a reproachful manner, "Whether any man could believe he was a Christian, or whether he had been at confession?" The king replied, "Yes." The earl answered, "What availeth confession, without penance and satisfaction?" To which the king returned, "That he never had more reason to repent of any thing, than that he had suffered him to come into England, and that he had bestowed such honours and preferments upon one that had so little gratitude and manners." [Tyrrel.] We have, from Matthew Paris, an instance which well shews us the freedom with which Henry's person and character was treated, about this time, by the English; but being too particular, we give it in this place in Mr. Tyrrel's words.—Nor did he come off to much greater advantage from another encounter he had, not long after, with the widow countess of Arundel, who waited upon the king about her right to a certain wardship, which he challenged by reason of a small parcel of land which was held in capite. But when the countess found, by all her applications, she could by no means prevail upon him, she thus boldly accosted him: "My lord the king, why do you turn your face from justice? for no body now can obtain any right in your courts. You are placed between God and us; but you neither govern yourself, or us, as you ought. Are you not ashamed both to oppress the church, and disquiet the nobles, of your kingdom?" Which when the king heard, he, bending his brows, said thus to her, "What do you mean, lady countess? Have the great men of England given you a commission to be their advocate?" But she, though a young woman, did not answer like one; "Not so, sir, said she; the nobility have made me no such charter, though you have so often extorted money from your subjects. Where are the liberties of England, so often reduced into writing? so often granted, and so often redeemed? Therefore I, though a woman, with all your natural subjects, do appeal from you to the tribunal of God, the great and terrible judge, and let him revenge us." At which answer, the king being confounded, he held his peace, because his own conscience told him, she had spoke but too much truth; so he only replied, "Did not you ask a favour, because you were my cousin?" To whom she only returned answer, "Since you have denied me my right, how can I expect any favour?" The king, thus reproved, said no more; and the countess went away without taking leave, as well as without any other satisfaction, than that of having freely spoken her mind.

(2) Homage, as we understand it in our laws, is of two sorts; the one more ancient, called homagium ligium, sovereign homage, and is due only to the king in right of sovereignty, and answers to our modern oath of allegiance; the other is called homagium feudale vel prædiale, performed by the vassal or tenant to every feudal lord, in consequence of his superiority of the fee and services arising from it, and was introduced by the feudal law in William the Conqueror's time. Thus, as a learned modern observes, when a baron, or other tenant in chief, had done homage to the king, it was incumbent on him to do fealty to the king likewise. The homage was without oath, the fealty upon oath. When a man had done his fealty, then, according to the feudal dialect, he was properly said to be, a fidelis, un homine de foy, the king's liegeman. In the feudal institution, homage was of great weight; and the doing of homage and fealty so necessary, that lordship and tenancy could not subsist without it. The form of doing homage was thus: The vassal held his hands joined between the hands of his lord, and said, "I become your man from this day forward, for life and limb, and for earthly honour; and I will bear faith to you for the earthly tenement which I hold, and claim to hold, of you; saving the faith which I owe to our lord the king, and to my other chief lords." Where, by the vassal's hands being joined close between the hands of his lord, is meant, on the part of the superior, protection, defence, and warrandice; and on the part of the tenant, subjection and reverence. But when a freeman did fealty to his superior, he held his right-hand upon the book, or gospel, and said thus: "Hear you this, my lord R. that I (T.) will be faithful and loyal to you, and will bear faith to you for the tenement which



**A. D. 1252.** chains to govern for Henry, found the service very hot. Though only a few Gascons held out against Henry, yet all of them joined against Montfort. This produced a confederacy, which had almost proved fatal to him: for when the Gascon commissioners returned, and reported what they had done in the matter of their submission to the young prince, their constituents were so well pleased, that they unanimously resolved, without distinction of parties, if they could, to work his ruin. This they were enabled to do with the better colour, as the continuance of Montfort's command was rather extorted from, than granted by, Henry; and his army was composed principally, if not wholly, of those whom hopes of plunder and pay had assembled under his standards, few of them being subjects to the king of England. Their principles were encouraged by Montfort's declaration that they should have the free plunder of the rebels, who, by their unanimous resolution to oppose him, now comprehended all the inhabitants of Gascony.

Montfort defeated by the Gascons,

A great army was raised on both sides, and Montfort placed an ambush, which he expected would attack the Gascons on one side, while he was ready, with a larger force, to fall upon them on the other; but the Gascons having timely intelligence, fell with such resolution upon the officer who commanded the ambuscade, that they took him prisoner, and cut off his men, without Montfort's knowing aught of the matter; he, therefore, advancing to the charge, as had been concerted, was met by a horseman who had just escaped from the rout, and informed him of what had happened. The captive officer was a bosom favourite of Montfort, whose eagerness to relieve him, hurried him, at the head of but very few attendants, against the enemy. He relieved his friend, and was, in his turn, relieved by him; but, at last, was in the utmost danger of being quite cut off, when the rest of his army coming up, the Gascons were defeated and cut in pieces; some considerable prisoners were made, and the rebels were entirely quelled.

whom he defeats in his turn.

The English oppressed by foreigners.

England was now a scene of civil rapine; the foreign favourites of the king gave a loose to their covetousness, nay cruelty; and what

was worse, public spirit among the great men seemed to be so much asleep, that the people appeared callous to the injury and insolence of strangers. Even some of the first nobility abetted them, and countenanced them in their robberies; while the Poictovins, and other foreigners, made a merit not only in spurning, but scoffing, at the laws of England, from which they insolently pleaded exemption. But, lest the reader should be at a loss to account from whence all this insensibility arose, he need but to reflect, that the king was not only under the immediate protection of the see of Rome, but had, under pretence of the crusade he had undertaken, a great army on foot. This, together with the anathemas fulminated against those who should disturb the peace of a king who had taken up the cross, was sufficient to prevent all civil commotions, and to leave the foreigners at full liberty to indulge themselves in the exercise of rapine, since sheltered by the king's favour.

Notwithstanding this, the more active and spirited English were ever finding pretexts to draw the foreigners to jousts and tournaments, in which the latter generally were very roughly handled.

We have already observed on several occasions, that Henry had learned that piece of policy of the Romanists, to divide his people when they proved refractory. His great principle, and that of the court of Rome, had for a long time been, to prevail with the clergy to impose taxes upon their lay-fee, as well as their livings, separately from the nobility and commons. With this view Henry summoned together a meeting of the great churchmen at London, the archbishops of Canterbury and York, and the bishops of Chester and Hereford alone being absent. In this meeting he produced the pope's bull for a grant of the tenths of the revenues of the whole church for three years. This motion being made, was strongly supported by the elect of Winchester, for reasons easily guessed at, with some other court bishops, and would have been carried, had it not been for the firmness of the bishop of Lincoln; but this prelate spoke against the demand so strongly, that he at last brought

The king summons a council of the clergy,

who refuse his demands.

"I claim to hold of you; and I will loyally do and acknowledge the customs and services which I ought to do to you, at the terms assigned me: So God help me and his saints." [Madox Baronia Anglica, b. iii. cap. 6.] And a learned antiquary justly observes, That allegiance is only due to an emperor or king, excepting fealty to none; but in doing fealty to any other superior, the king's authority and allegiance is excepted. So that those terms, *ligii ec vassali*, liegemen or vassals, are very different; fidelity and allegiance being the duty of the former, as homage is that of the latter. And that this fidelity or fealty is reciprocal between a king and his subjects, we have an example in Florence of Worcester, where we find king Canute swearing fidelity to his nobles; *Fidelitatem illi juravere magnates, quibus et ille juravit, quod et secundum Deum, et secundum seculum fidelis esse vellet eis dominus*. And notwithstanding vassals, by the feudal law, by doing homage to their superiors, were also obliged to swear fidelity and allegiance; yet we meet, in Krantzius, an example of the city of Hamburgh performing homage to their king, without swearing fealty. The citizens of Hamburgh, says he, insisted upon their ancient customs, and supported it by the charters of their privileges; begging his majesty would accept of those services from them, which his predecessors, their kings, were contented with. The affair was warmly debated on both sides; but the citizens supporting their claim with convincing arguments, the judicious king yielded, allowing the citizens to enjoy their ancient and established privilege. [Spelman Glossar. ad verba, *Homagium et Ligantia*.] We have likewise several instances of fealty between private persons, performed personally, by way of contract, in the case where Oswald bishop of Worcester, granting the lands of his bishopric to sundry persons for three lives, reserved a multitude of services to be done by them, and bound them to swear, That, as long as they held these lands, they should continue in the commandments of the bishop with all subjection. I take this to be an oath of fealty; but we must consider whether it be personal or prædial. If personal, it nothing then concerneth tenures; if prædial, then must it be inherent to the land, which here it seemeth not to be, but to arise by way of contract. And being prædial, must either be feodal, as for land holden by knight-service; or colonial, as for lands in socage; which cannot be a fruit of a tenure in capite by knight-service. If we say it is feodal, then must there be homage as well as fealty; for homage is inseparable from a feud by knight-service. But the estates here granted by Oswald, being no greater than for life, the grantees must not either make or take homage; for justice Littleton saith, 'tis a maxim in law, "That he which hath an estate but for term of life, shall neither do homage or take homage." Spelman's Feuds and Tenures, edit. Gib. p. 36.



A. D. 1252. the majority of the assembly over to his own sentiments. In vain did the king rage and rail; they remained determined: they put him in mind of the repeated breaches of his coronation and other oaths; and at last broke up, under pretence that they could do nothing, in an affair of so much consequence, without their two archbishops. Henry had recourse to them singly, but without effect; and, in revenge, promoted to all the church livings in his gift foreigners, fellows of no morals, learning, birth, or character. The city of London was at the same time set upon to supply part of the royal exigences, and the citizens treated with a severity falling little short of those inflicted upon Jews.

Ignorant foreigners promoted to church livings.

A meeting of great men soon after being held at London, the king laid before it the affairs of Gascony, complaining bitterly that his lieutenant there, the earl of Leicester, had ruined his interest in that province; and proposing, notwithstanding the severity of the season, and danger of the seas, to go over thither in person: but he concluded the whole with a fresh demand of a supply to enable him to fulfil his crusade. It appears that this meeting was not a parliament, because the spiritual peers were not present: for the members, as usual, treated the king's inconsistent demands with high indignation, and informed him they referred themselves to the conduct of the prelates, from whom, in the capacity as peers, they were resolved not to be separated. They could not help, at the same time, sneering at his vaunts: "What reason (to use the excellent expressions of Speed from Paris) encourageth him, said they, who was never trained up in martial discipline, nor hath managed an horse, nor drawn a sword, nor charged a staff, nor shook a target, to hope for triumph over the Saracens, against whom the cavalry of France had miscarried? Or wherefore dreams he of recovery of more lands, who could not keep that which he had in foreign parts? Concluding that he was a man only born to drain their purses, to empty his own, and to multiply debts."

Henry ridiculed by his subjects.

As to the affairs of Gascony, they could not but approve the conduct of the earl of Leicester, who they observed had, by Henry's own charter, three years and a half of the lieutenancy of that country yet to come; and that the Gascons were a faithless race, his own experience, and that of the nation, had long proved. Thus was Henry disappointed on all hands. He found the temporal and spiritual peers equally disposed against any supplies for either of his foreign expeditions; he failed in his design of confiscating the estates of Montfort, to bestow them (as Montfort himself observed) on some worthless Poictovin; and had it not been for the danger of cramping his own prerogative by such a step, he would have sent over for a legate to have enforced obedience to his demands. This year the bishop of Lincoln, the perpetual opposer of courtly and papal exactions, ordered another estimate to be made of the revenues enjoyed within England by foreign clergymen, which now amounted

Estimate made of the revenues of the foreign clergy in England.

to no less than seventy thousand marks a year, so immensely had they grown since the last review of the same kind. But ecclesiastical abuses were not confined to foreigners only; for we find that one of the king's favourites, John Mansel, had upwards of four thousand marks a year, which engrossed the revenues of no less than seven hundred preferments at once.

A. D. 1253.

In the beginning of the year 1253, the king shamefully oppressed the citizens of Winchester, who had generously entertain'd him at Christmas, by forcing them to advance him two hundred marks. He was guilty of several other mean actions, unworthy of a king to commit, or for history to relate.

The earl of Leicester all this time held the government of Gascony, but upon a very precarious footing. It appears, from the public monuments of the times, that his commission run for his being the king's lieutenant in those parts. As the fee of Gascony had been given to prince Edward, though Henry still preserved the sovereignty, it is probable the latter urged, that his or his son's presence in Gascony superseded Montfort's commission. The plausibility of this plea, together with the danger and difficulty of keeping that command, had prevailed with Montfort for some time to lay down his commission.

Montfort for some time lays down his commission.

By a writ for composing the differences in Gascony we find, that Henry intended or pretended that he or his son should speedily pass over thither; Montfort earl of Leicester therefore gave up his commission, in consideration of an equivalent in money. The resignation of this great man, and the report of his being succeeded in his command by a child, encouraged Alphonso king of Castile, who was not without his pretensions in right of blood, and supported by a considerable faction, to form pretensions upon all Gascony, under a charter granted, or said to be granted, by Henry II, and confirmed by succeeding kings of England, to the family of Castile. In consequence of this claim, early in the spring of this year he made himself master of Castle-Reole, with several other important places; and, by the assistance of Gaston de Bearn, and a powerful party of the nobility, he threatened the city of Bourdeaux, which still remained faithful to Henry, who saw, when it was too late, his bad policy in removing Montfort from that government. In all probability Henry must have lost that whole province, either by conquest or revolt, but the Gascons, who agreed scarce in any other principle but in that of their hatred to Montfort, soon split into so many factions, that Henry had leisure to attend his affairs in England, to which we shall now return.

The king of Castile invades Gascony.

A nuncio from the pope had for some time resided here. The professed end of his coming was, to make on the part of his master, an offer of the kingdom of Apulia, Naples, and Sicily, which he pretended were fiefs belonging to the holy see, to the earl of Cornwall. But the latter, though he loved power, easily saw that this was a stratagem

The pope makes an offer to the earl of Cornwall of Naples and Sicily.

of



A. D. 1253.

of the court of Rome to prevail with him to spend his money in her service; he therefore wisely declined the offer: and all the effect this negociation had, was filling the nuncio's coffers with presents, made him by English clergymen, or Italians beneficed in England.

The king's necessities, however, were now so craving, and the various ways he had fallen on to oppress his subjects so ineffectual, that he was obliged to have recourse to that which, in all his life, he and his ministers dreaded; I mean an English parliament.

The proceedings of the parliament at London.

Fifteen days after Easter, 1253, the parliament met, and the king laid before them not only his wants, but his earnest desire that they would give him advice concerning the difficult state of the kingdom. As the transactions which happened in this parliament are of the utmost importance to the history of England, and by some, though vainly, pretended to have established the great charter of English liberties; I shall, therefore, in recounting them, generally follow Matthew Paris, or other cotemporary historians, to prevent mistakes. The meeting was very full; and, upon the king's demanding a great sum of money for to supply him while he was abroad, a great many long, but ineffectual, debates followed. At last a committee was chosen from the spiritual peers, consisting of the archbishop of Canterbury, the bishops of Carlisle and Salisbury, and the elect of Winchester to treat with the king, and to persuade him to fulfil his repeated solemn oaths, in suffering the church to enjoy her privileges, especially in matters of election; and at the same time to lay before him, that if those their late grievances were redressed, according to the tenor of the great charter, they would, though to their own great inconvenience, endeavour to gratify the king's demands. It happened that the four prelates were of all others the most exceptionable with regard to their promotion, which had been effected by great stretches of the prerogative. Henry received the message with an affected humiliation; he professed repentance, promised amendment; and, in summing up his several demerits as a king, among other flagrant instances, he wittily recounted the several unconstitutional steps he had taken, to promote each of the prelates, who were not a little nettled, especially when he exhorted them to repentance after his example. This deputation probably had very little effect, as it was easy to see from what had passed, that Henry was in no very serious humour. But at last, after upwards of fifteen days negociation, he found means to convince the parliament so effectually of his sincerity, that they came to a resolution to grant him a supply, to consist of a tenth part of all ecclesiastical revenues, and a scutage of three marks upon every knight's fee, to be paid as soon as he should embark with his army for the Holy Land in view of his great men. This, contrary to what is deli-

Grant the king a tenth of all ecclesiastical revenues, and a scutage of three marks, for his expedition to the Holy Land.

vered by all other historians, is the express condition, as mentioned by Matthew Paris, whose words I have given in the notes (1). The king, on his part, promised, without any mental reservation or cavils, inviolably to observe the great charter in all its articles. As the remaining part of the relation of this great transaction seems to have been extracted from the minutes of parliament itself by Matthew Paris, who had the privilege to be present at the time with pen and ink, to write down what had occurred, I shall give the words of that historian in English.

' In the great hall at Westminster, in presence, and with consent, of our illustrious lord Henry, by the grace of God, king of England, and of the following noble lords, Richard earl of Cornwall his brother, the earl of Norfolk and Suffolk mareschal of England, the earl of Hereford, the earl of Oxford, the earl of Warwick, and other peers of the realm; and of us, by the divine blessing of God, Boniface archbishop of Canterbury, primate of all England, the bishops of London, Ely, Lincoln, Worcester, Norwich, Hereford, Salisbury, Durham, Oxford, Carlisle, Bath, Rochester, St. David's; all cloathed in our pontificals, with lighted torches in our hands, have pronounced, in a solemn manner, the following sentence of excommunication against all transgressors of our liberties, both ecclesiastical and civil, of the free customs of the kingdom of England, and especially those contained in the great charter and in the charter of forests.' [Here is John's charter inserted.] " We, by authority of Almighty God, and of the Son and Holy Ghost, and of the glorious mother of God the Virgin Mary, and of the blessed apostles Peter and Paul, and of all the apostles, and of St. Thomas archbishop and martyr, and of all the martyrs, of St. Edward king of England, of all the confessors and virgins, and of all the saints of God, do excommunicate, anathematize, and from entrance of holy matter forbid, all those who, in any wise, shall deprive or rob the churches of their right; also all those who, by any art or device, shall rashly violate ecclesiastical liberties, or the ancient and established customs of the realm, and especially those contained in the charters of all the liberties of England, and in the charter of forests, granted by our sovereign lord the king of England, to the archbishops, bishops, and prelates of England, the earls, barons, knights, and free tenants; or shall change the same, or any part of them, in any manner of way, privately or publicly, either by deed, word, or design. Also against those who shall either publish or introduce other customs, contrary to the said liberties, or the statutes of the same; or shall observe such customs introduced. As also against the writers of such statutes, counsellors, and

A. D. 1253.

The form of the sentence of excommunication.

(1) Concessa est igitur regi decima pars proventus ab ecclesia recipienda, cum iter Hierosol. per visum magnatum, arripere, in viaticum distribuenda, per triennium, in succursum terre sancte, contra Dei inimicos: et a militibus scutagium illo anno, scilicet ad scutum tres marcas. Matt. Paris, fol. 579.



A. D. 1253.

A. D. 1253.

“ executors, or whoever shall presume to  
 “ judge according to them: All and singular  
 “ the persons above-mentioned shall, in fact,  
 “ incur this present sentence, who shall  
 “ knowingly contravene the same; and those  
 “ who shall ignorantly do the same, if, with-  
 “ in fifteen days after the term of warning,  
 “ they do not conform themselves, and give  
 “ full satisfaction for their misdemeanors,  
 “ according to the judgment of the ordina-  
 “ ries, then they shall be deemed included  
 “ in this sentence. And within the same  
 “ we also involve all those who shall pre-  
 “ sume to disturb the peace of the king and  
 “ kingdom. In perpetual remembrance of  
 “ which, we have caused our seals to be ap-  
 “ pended to the same.” [Thus far the re-  
 cord; what follows are the words of Paris.]  
 ‘ The charter, therefore, of his father king  
 ‘ John was publicly produced, in which  
 ‘ king John granted, and willingly con-  
 ‘ firmed, the foresaid liberties, which he  
 ‘ then ordered to be recited. Now when  
 ‘ Henry heard the foresaid sentence, he held  
 ‘ his hand upon his breast, with a placid,  
 ‘ willing, and chearful countenance. At  
 ‘ last all of them threw out of their hands  
 ‘ the extinguished, smoaking candles, and  
 ‘ each one present said, So let them be ex-  
 ‘ tinguished and sink in hell, who shall in-  
 ‘ cur this sentence. The bells were then  
 ‘ rung, and the king himself said, So may  
 ‘ God help me, as I shall faithfully observe  
 ‘ all those articles, as I am a man, as I am a  
 ‘ Christian, as I am a knight, and as I am  
 ‘ a crowned, anointed king. We are far-  
 ‘ ther to remark, that when sentence was  
 ‘ first begun to be pronounced, the king,  
 ‘ among the others, had a lighted candle  
 ‘ put into his hands; but he refused to hold  
 ‘ it, and gave it to one of the prelates, say-  
 ‘ ing, It becomes not me to hold such a  
 ‘ candle, for I am not a priest; but my heart  
 ‘ beareth a stronger testimony. He then  
 ‘ put his hand upon his breast during the  
 ‘ whole time the sentence was pronouncing;  
 ‘ but Robert bishop of Lincoln, foreboding  
 ‘ in his own heart, and fearing that the  
 ‘ king should start from his promises, or-  
 ‘ dered the sentence of excommunication to  
 ‘ be solemnly pronounced against all (espe-  
 ‘ cially priests) who should infringe the fore-  
 ‘ said charters, throughout all the churches  
 ‘ of his diocese. A sentence so dreadful in  
 ‘ its manner of promulgation, as to make  
 ‘ the ears of all who heard it to tingle.’  
 Thus far Paris.

to preserve this sacred record inviolable. But  
 where those principles subsist not, as they  
 did not in the breast of Henry, the most sa-  
 cred obligations are like chaff before the wind.  
 No sooner had he gained his ends; than,  
 like the dog to the vomit, Henry returned to  
 his foreigners. These suggested to him, that  
 he was no longer king; that his royalty in  
 England was now but a shadow; and he  
 had done a thing so disgraceful, that his  
 father had died to avoid it. They advised  
 him to give the pope a hundred or two hun-  
 dred pounds to be absolved from his oath,  
 and laid before him the vast advantages which  
 might arise from such an absolution. That  
 these suggestions sunk but too deeply into  
 the heart of this unhappy king, the sequel  
 of this history is a melancholy proof.

The affairs of Gascony still continued in  
 the utmost disorder, though Henry had ta-  
 ken many precautions to be in readiness to  
 retrieve them. Among others, he caused a  
 proclamation to be made, consisting of the  
 following articles, which, as they are the  
 oldest and most authentic we meet with in  
 the English history, I shall here translate and  
 insert. “ That the following of hue-and-  
 “ cry be made after the ancient accustomed  
 “ manner, so that persons neglecting and  
 “ refusing to follow the hue be taken as ac-  
 “ complices of malefactors, and delivered  
 “ over to the sheriff. And moreover, let  
 “ four or six men be provided in each town,  
 “ according to the largeness of the town, for  
 “ readily and instantly pursuing the hue-and-  
 “ cry; and, to prosecute malefactors if they  
 “ come among them, they must be armed  
 “ with bows and arrows, and other light ar-  
 “ mour, which ought to be provided at the  
 “ charge of the whole town, and always  
 “ to remain for the use of the same. And,  
 “ besides those, let there be provided, out  
 “ of every hundred, two free and loyal  
 “ gentlemen, who may be overseers, to see  
 “ the foresaid watch and prosecutions duly  
 “ observed.”

State of Gascony.

The ancient ordinance of watch and ward.

Henry then dispatched a messenger, to in-  
 form the citizens of Bourdeaux, and the other  
 Gascons, who still continued in his interest,  
 that he was preparing to come over to sup-  
 port them in person. In the beginning of  
 June he accordingly summoned all his mili-  
 tary tenants to attend him at Portsmouth,  
 where no less than a thousand ships for trans-  
 ports were ready. The late reconciliation  
 between the king and his people brought to-  
 gether a fine army; but it lay wind-bound  
 upwards of a month, and it was the 15th of  
 August before Henry reached Bourdeaux.  
 The Gascons who had revolted in favour of  
 the king of Castile, had been very ill support-  
 ed by that prince; it was therefore no hard  
 matter for Henry, after he landed, to reduce  
 Castle Reole and the other places he had lost.  
 But indeed he had by this time entered into  
 a secret correspondence with the king of  
 Castile, and the bad opinion which both  
 princes had of Gascon fidelity, contributed  
 greatly to the good understanding. At last  
 the bishop of Bath and John Mansel were

Henry pre- pares for an expedition into France.

Reflection. The solemnity of this act is a fruitful  
 source of reflection to every Englishman.  
 Nothing could be wanting but the visible in-  
 terposition of divinity itself to make this pro-  
 mulgation of English liberties to the people  
 of England as awful as that of the law de-  
 livered on mount Sinai was to the people of  
 God. No form could be invented, no me-  
 thod could be devised, by the wit of man,  
 which was omitted, by our sagacious ances-  
 tors, to fetter their kings by every principle  
 of reason as men, of piety as Christians, of  
 honour as gentlemen, and of justice as kings,



A. D. 1254. <sup>A marriage proposed between prince Edward and a princess of Castile.</sup> sent ambassadors to the court of Castile, to propose not only a treaty of peace between the two powers, but a marriage between prince Edward and a princess of Castile. The ambassadors succeeded so well in this commission, that they not only gained both points, but obtained from that king a full and absolute renunciation of all his claims upon Henry's territories in France.

Rymer. The queen was at this time left regent in England, but she was to act by advice of the earl of Cornwall; and Henry thought he could not give a better proof of his own sincerity, than by putting the utmost confidence in that of Alphonso. He therefore, by Mansel's advice, wrote for his son, with an intention to send him to solemnize the marriage, and to receive knighthood from the bride's father; but this journey does not seem to have taken place till next year.

<sup>The Gascons return to their allegiance.</sup> All this time the Gascons, though subdued, were not quieted; but Montfort, who ever affected the most consummated loyalty, now came to Henry, and offered him all the assistance that was in his power to bring against the rebels. The great reputation which Montfort had acquired, rendered this offer of vast service to Henry; while the Gascons, struck with the awe of so great a man, and now entirely despairing of all assistance from Spain, submitted to live quietly under Henry's government.

<sup>Henry's artifice to obtain supplies.</sup> The remainder of this winter was spent in receiving the submissions of the Gascons, and in a mean juggle of Henry with his people; for he carefully concealed the treaty he had lately made with the king of Castile, and publicly gave out, that he had every thing to fear from that prince. This stratagem, which was only worthy of Henry's genius, had not its effect; for when Henry wrote to the government in those terms, and commanded them to summon a meeting of parliament, the people already had begun to suspect the truth, and that Henry pretended enmity with the court of Castile only that he might have a more plausible pretence for fresh demands.

<sup>The king's message to the parliament,</sup> A parliament, however, met on the 27th of January, 1254, and was opened by commission from the king. Bigod earl marshal and Gilbert de Segrave had just come over from Gascony, with a message from Henry, in consequence of which, they acquainted the parliament, that the king of Castile had imposed upon Henry, and that, instead of being his sincere friend, he found him to be his inveterate enemy; therefore, to oppose his measures, and disconcert all his pretensions, he now demanded a powerful supply from them. The parliament, who behaved with as much decency in the king's absence, as they treated him to his face roughly, knew too much to be imposed upon in this manner, and yet were unwilling to give him a flat denial. They had come to the knowledge that he had sent over for his queen and son, and the members made no scruple of saying, That this was a very inconsistent conduct, in case he expected to engage with so pow-

erful a prince as the king of Castile. How-  
ever they almost unanimously came to a resolution to support Henry with their lives and fortunes, if that prince should invade Gascony. The earl of Cornwall promised to furnish three hundred knights, and the earl of Gloucester declared, that he would not advance a shilling towards enabling the king to make any acquisitions; yet he would fight, and spend to the last penny, in his defence, if he was attacked. In like manner several of the great prelates declared; and a letter from the earl of Cornwall was sent over to Henry, containing this resolution of parliament.

But this was not what Henry wanted; he repeated his orders, that another parliament should meet at London, fifteen days after Easter, where the same demand for money should be made. By this time the earl of Leicester was come over from France, and confirmed the people in the fact which they before only suspected, that Henry had actually concluded a treaty with the king of Castile. Henry's success, therefore, was, as usual, very bad; though the members still declared themselves ready to stand by him to the last, in case he was really attacked. This disappointment brought upon the Jews <sup>The Jews persecuted and oppressed.</sup> a fresh persecution; and their oppressions were such, that they petitioned, but in vain, for leave to convey themselves and their effects out of England.

Soon after, the queen, with her eldest son prince Edward, embarked for France, notwithstanding Henry had just before sent a mandate, ordering them to remain in England. As she knew his humour, however, she ventured transgressing his orders; but carried along with her the archbishop of Canterbury, while the archbishop of York was to act as regent in her absence. We are ignorant of any resentment which <sup>Matt. West.</sup> the king shewed for the disobedience of his orders, and therefore we may conclude, they proceeded either from some fantastical caprice, or that they were contrived on purpose to blind the English, as if the state of Henry's affairs on the continent was so desperate as not to admit of the royal family repairing thither. But, if the latter was the case, the artifice was too gross to impose on any. Henry still remained unsupplied and unreclaimed; for our historians inform us, that, about this time, he renewed his infractions of the laws and liberties, which he had so lately and so tremendously sworn to observe.

But the time now approached, when all the secret of Henry's shameful craft was to be disclosed. For, immediately upon the arrival of the royal family in France, prince Edward was sent from Bourdeaux to Burgos in Spain, with a most splendid equipage, to marry the princess of Castile. After being highly caressed at that court, he returned to his father, who settled upon him an appenage of fifteen thousand merks a year, to be paid out of certain lands granted him in Gascony, Ireland, and England, as appears from a charter

<sup>Prince Edward married to Eleanor princess of Castile, and a settlement made upon him.</sup>



A. D. 1254. a charter to that effect published in Mr. Rymer's collections; but we learn by another charter, that the royal demesnes in the same countries were afterwards given him in property.

Henry's extravagant and useless expences.

His saying upon that account.

Henry's dream of glory was now out; his expedition little answered in success to the expences that had attended it; the king of France had received no benefit by it; the league with Spain, which was now published, gave the English disgust; and, upon casting up his accounts, no less than twenty-seven thousand, seven hundred pounds had been expended in the meer preparations, besides the ordinary revenues arising from wardships and crown lands, and thirty thousand merks which had been lavished upon his own Poictovin relations. Henry sometimes had intervals of reflection; but they were painful to him, and he sought to drown them in a stream of more pleasing ideas. For when one of his counsellors was representing this vast expence with some freedom, Henry starting into passion, "What is the meaning, cried he, of all this?—For the head of God (his usual oath) let this be known to none, lest it should strike the ears of all who hear it with astonishment, and their hearts with heaviness." His expectation from the tenths, which had been conditionally granted him, was now his chief support, which made it necessary for him still to keep up his pretence of going to the Holy Land.

The king of France delivers up Damietta for his ransom,

and returns home.

But affairs on the continent had then greatly changed their face with regard to his chief motive, which was the deliverance of the king of France. The queen mother of France was now dead; and Lewis, after a captivity in which his behaviour and firmness did him more honour than conquest has done to others, was obliged to deliver up Damietta which he had taken, and a large sum, for his own ransom, and that of his brothers and the other Christian captives. He then passed near four years in Palestine, and about the middle of July, 1254, returned to France. Henry, having now no pretext for continuing his expedition on account of Lewis, was advised to try whether he could not work upon the scrupulous conscience of that prince to give up to him the patrimonial estates of the family of Rollo in France. Lewis had ever considered this as, at best, a doubtful point, and had always expressed himself so, as if the detaining them was rather a matter of policy than of justice. Henry thought that a personal interview was the most proper method of succeeding. He proposed to Lewis to make a tour throughout the chief places in France, and then to come to Paris; from whence he might proceed to the nearest seaport for England, and thereby save a tedious, dangerous passage. Lewis was polite enough to grant all that Henry could desire, and gave orders, that the latter should be received in all places belonging to the crown of France with the respect due to a crowned head. Henry accordingly, having gratified his curiosity with the sight of whatever was esteemed most rare, and after admiring the

religious juggles performed at the several shrines which he visited, came to Chartres, where he was received by the king of France in person. Henry's retinue was not only august, but magnificent. It consisted of the royal family of England, and the old counts of Provence, mother to his queen; while her other two daughters, the queen of France and the countess of Anjou, made part of the illustrious circle. Henry, in person, was likewise attended by no less than a thousand horsemen, all in fine order, and richly mounted on excellent horses, without including the sumpter and other carriage horses. From Chartres they set out for Paris, where Henry and his retinue were received with excessive demonstrations of kindness and affection. Lewis treated him as his brother, nay, offered him the seat of honour, which was declined by Henry, as being a vassal to the crown of France: he therefore sat on the right-hand of Lewis, while the king of Navarre, who was likewise present, sat on his left. The magnificence and ceremonial of mutual entertainments being passed, both kings had several private interviews; and when Henry had continued eight days in Paris, he prepared to set out for Bulloign. Lewis would needs give him the convoy for a day's journey, and at parting was heard to drop the following memorable expression, with a sigh: "Wou'd to God, said he, that the twelve peers of France, and my baronetage, would agree in sentiments with me, we might ever live in indissoluble friendship." The most judicious of the French historians observe from this, that the authority of the twelve peers still existed in France; and that it was not, at this time, in the power of the crown of France to alienate any considerable part of his dominions, without the consent of his parliament, or great council. We are likewise to remark, that Lewis, from those words, was perfectly convinced that Henry's claim to the dominions in dispute was just.

A. D. 1255. Henry's grand and magnificent in France.

The polite behaviour of the king of France to him,

and his expression at parting.

Daniel.

The kingdom of Sicily offered to prince Edmund by the pope.

Manfred set up by the Sicilians and Apulians.

The wind not presenting fair, Henry was obliged to stay for some time at Bulloign, and it was now the beginning of January, 1255. But it is time that we should open to the reader the detail of a new transaction, which then began to make a considerable figure in the occurrences of this reign. The earl of Cornwall, having refused the crown of Sicily, but upon conditions with which the pope could not comply, was a sensible mortification to his holiness: but knowing no court then in Europe so easy to be imposed upon as that of England, he had privately made an offer of the same crown to prince Edmund, youngest son of Henry, who unwisely caught at the bait. Conrad, about this time, dying, the pope was thereby rid of a dangerous enemy. But the inhabitants of Sicily and Apulia, which belonged to that crown, setting up Manfred, a bastard son of the late emperor Frederic, for their king, the court of England had him to contend with, at great disadvantage, before the grant could be made effectual. The chimerical dignity, however, being accepted by the king for his son,



A. D. 1255.

son, the young prince was treated with royal honours; and no mean of extortion or oppression was omitted by the pope, for squeezing from the English money, under pretence of supporting this phantom of sovereignty.

The city of London amerced to pay three thousand merks.

The presents made to Henry upon his return were inconsiderable, when compared to the vast load of debts he had contracted; and he again had recourse to his usual funds for raising money, the citizens of London and the Jews. The former had generously made him several rich presents since his return; but a prisoner, who was a clerk, and had been, as such, committed to Newgate for killing a foreign ecclesiastic, making his escape, the king laid hold of that pretence to amerce the city in three thousand merks, and to imprison some of the chief citizens till it should be paid.

The Jews obliged to pay eighteen thousand merks.

But if Henry's treatment of the city of London was void of justice, his treatment of the Jews was void of humanity. They were assessed in no less than eighteen thousand merks, which they were obliged to pay under pain of death, without having even the melancholy alternative, of leaving the kingdom, in their offer, though they petitioned hard for it; and offered to prove their inability to pay the sum required, without ruining themselves and their families. All the favour they could obtain, was to be assigned over to the earl of Cornwall, who was one of Henry's principal creditors, and whose treatment of them, though severe, was not inhuman.

Paris.

This spring the king of France accompanied the generous entertainment he had given Henry in his dominions, with several rich presents and curiosities; so that there seemed to be a perfect good understanding, at this time, between both courts. Several princes upon the continent likewise applied to Henry, for leave for their subjects to settle in England, encouraged, no doubt, by the good reception which other foreigners met with here. The earl of Holland, particularly, fought every way to ingratiate himself with Henry, who was now wholly engrossed by the thoughts how he should discharge his debts, and make good the title of his son to the kingdom of Sicily.

Several foreigners desire to settle in England.

A parliament was absolutely necessary for both those purposes, and a very numerous one accordingly met, fifteen days after Easter, 1255. It was opened, as others had been, by heavy complaints from the king, of his inability to discharge his debts, and the demand of the payment of the tenths, in consequence of their former resolution. The answer of the assembly was in the usual strain, remonstrating upon the repeated breaches of the great charter, exposing the infidelity of their king, and demanding the nomination of the great officers of state, the justiciary, chancellor, and treasurer. Henry could not resolve to give up this last point, the rather as those officers were not to be removeable, but by the parliament, and for some very glaring crimes. What irritated the parliament the more, says my author, was the great number of petty princes, who were

The king demands the tenths.

The parliament's answer.

now so plenty in England, that Britain seemed to have returned; continues he, to its most ancient form of government; neither did the great men know how to deal with their Proteus of a king. The assembly, therefore, asking leave to deliberate upon the king's demand till Michaelmas, it broke up, with vast animosities on both sides. Henry, however, to keep some appearances, ordered the observation of the great charters to be enforced by proclamation, during the recess of parliament; but this had but little effect with his own officers, who had other private orders.

But Henry's thoughtless ambition now received some check, by the defeat which Manfred gave to the papal arms in Italy. His holiness had been so sanguine in his expectations, as to send over a bull, requiring Henry to provide a great seal for the young prince; but the late defeat of his forces disconcerted the great design so much, as to reduce both him and Henry to the meanest practice, perhaps, ever known among princes, for filling their coffers. Their tool was a foreigner, one Peter Eguelbanck, who had been raised to the see of Hereford. This projector, seeing both the pope and the king very much dejected for want of money, and that the pope was resolved to push the king to some very violent course, went between the one and the other, being joined in commission with a knight, one John Walleran, till he got both of them to approve his scheme, which was as follows:

Every one knows the great intercourse there was, in those days, between the English bishops and the pope's court in Italy, which resided sometimes in one, and sometimes in another, city. The projector, taking the hint of this, forged bills and bonds, under the seals of different prelates and great ecclesiastics in England (which were furnished him by the pope and his officers) for great sums of money, pretended to be borrowed by the bishops from Italian merchants and bankers. As he had taken care to procure some credentials from many of the English bishops, empowering him to transact business for them in Italy, this served as a pretence for his assuming the character of agent for the English clergy; and the pope, at the same time, issuing out a bull, directed to him as such, for the discharge of the pretended debts, the cheat proved very ruinous to many ecclesiastics.

Peter Eguelbanck bishop of Hereford's villanous scheme to raise money for the king and the pope.

The king of the Scots was not yet of age; and both he and his queen continued to live under the guardianship of the nobles, the chief of whom were Robert de Ross and John Baliol, both of them English, as well as Scotch, subjects. The Scots have ever been a race remarkably insolent to infant princes, whose minorities were generally filled with blood, rebellion, and commotion. Their jealousy for the independency of their crown, which they might be afraid would be affected by the close connections of their king with England, perhaps contributed not a little to the watchful eye they held over the royal pair at this time. It is true, the civil divisions

The affairs of Scotland.



A. D. 1255.

divisions of Scotland, at this time, gave Henry weight enough there, to have some of the noblemen, whom he thought most disaffected to his interest, removed; as those, when out of post, as usual, raised a clamour upon the danger the kingdom was in, of falling entirely under English councils and influence. This, no doubt, added to the caution of the guardians, who were appointed to take care of the king and queen. The latter was closely shut up, without being suffered to stir abroad, or to see any company, within the castle of Edinburgh; a melancholy, unwholesome abode, and ill suited to the constitution of a young lady, bred up in all the delicacies of a luxurious court. Her mother, however, suspecting the matter, privately sent a trusty physician, with orders to enquire into the state of her daughter's health. The physician acquitted himself so well, that he learned from her own mouth the dismal situation, and the danger she was in of losing her health and life, by the barbarous jealousy of her guardians. This alarmed Henry, who immediately set out for York, where he ordered a rendezvous of his military tenants; but his intentions were far from an actual war with the Scots; for, lest they should be alarmed, as if he intended to invade their independency, he ordered a proclamation to be made, and a manifesto to be dispersed, dated from Newcastle, importing, that he was resolved, with all his power, to maintain inviolable the honour of the king, and the liberties of the kingdom, of Scotland. He further declared, that as what had been done, by his advice, at York, was meant for the interest and advantage of both, so it should never be a precedent prejudicial to either. He added, that, moved by his paternal affection, and the most earnest desire of his heart, to see the king, and his daughter the queen, of Scotland, he was about to come to the borders to pay them a visit; but that he assured the world, that he would not himself, nor would he suffer any other to do aught that might tend to the prejudice of king or people; but that, towards preserving their rights and liberties, he would, if necessary, contribute his utmost endeavours. The account which Paris gives us of the remaining part of this expedition, will not be found so romantic, when we consider, that the Scotch historians themselves have informed us, that Henry, in some sort, acted as a curator to his son-in-law; and that the Scots agreed only in their aversion to falling under English dominion, being, in all other respects, divided among themselves. Paris therefore acquaints us, that, while Henry remained at Werk, he sent the earl of Gloucester, and his favourite John Mansel, to the castle of Edinburgh, in which they got admittance by pretending they were followers of John Baliol. That nobleman's great estate in England rendering this the less suspected, other Englishmen got in upon the same pretence, till, at last, they were strong enough to master the garrison, had it made any resistance. The young queen, overjoyed at the success of this stratagem, threw herself

The queen of  
Scots shut up  
in the castle of  
Edinburgh.

Henry's ma-  
nifesto at  
Newcastle.

Abercromby.  
Rymer, vol. i.  
p. 561.

The success of  
the earl of  
Gloucester and  
John Mansel.

boldly into the arms of her countrymen; to them she opened her heart without reserve; she repeated all her grievances, with this additional one, that she had never known any thing of a husband but the name, or of marriage but the ceremony. This cause of complaint was soon removed; for, by the assistance of the two Englishmen, the king and queen lay that night together; and their rugged jailor, Robert de Ross, was by them summoned to appear at the court of his master the king of England, there to give an account of his conduct: but he afterwards chose to throw himself upon Henry's mercy, and his estates were sequestrated. At the same time, John Baliol was amerced in a heavy fine, which Henry put into his own coffers.

A. D. 1255.

The queen of  
Scots released,

and her guard-  
ians fined.

Vol. i. p. 562.

It appears as if Henry, all this time, had come no farther than Alnwick, upon the borders of the two kingdoms; for we find, in Mr. Rymer's collections, a safe conduct and convoy granted to the king and queen of Scotland, and all their court, to wait upon the king of England. Upon the meeting of the two kings, it was agreed, that Alexander should act entirely by the advice of his father-in-law; and by his direction he issued out a writ, by which he removed from his council a great many of his barons and others, who were disagreeable to the court of England. But it is remarkable, that, together with the publication of this writ, Henry, by whom it was published, in the same paper binds himself, that it never shall be drawn into precedent, to the damage of Alexander, or his heirs or successors, or to the prejudice of the crown of Scotland. Though Henry gained his point so far, as to be at the head of the royal party in Scotland, it was not, however, without a violent opposition from the others. The Cummins had vast power there, and entered into a kind of an association against the English interest; so that Henry was obliged to give a kind of security, under his hand and seal, that he would stand by, and assist to the utmost, the earls of Dunbar, Fyfe, Strathern, Carrick, Robert de Bruce, and the other noblemen, by whose advice the interview between the two kings was brought about.

The great  
power of the  
Cummins in  
Scotland.

Henry en-  
gages to sup-  
port the  
Scotch nobi-  
lity in his in-  
terest.

Prince Edward was all this time in France. The marriage between him and the sister to the king of Castile, though agreed upon, had not been consummated, nor I believe celebrated, till about this time. About the beginning of October, this year, she came over to England, while her husband the prince remained at his government in France. The very different manners of the courts of Spain and England, and the tapestry (till then unknown, as furniture for chambers, in England) with which her rooms were hung, but above all, the stiffness and formality of the young lady's attendants, were matters of surprize to some, and of disgust to others. Henry seemed to be now happy in his family: his beloved daughter, the queen of the Scots, remained still about his and his queen's person; and about the same time the bishop of Bononia, legate from the pope, solemnly invested

Eleanor, wife  
to prince Ed-  
ward, arrives  
in England.

Rymer.



A. D. 1255. invested prince Edmund in the kingdoms of Sicily and Apulia. From, and about, this time, we find the public records crowded with acts of regal power exercised by the new monarch, and his father generally confirming them, as his guardian during his non-age.

The wheels of government, however, went very heavily. Henry still continued poor, and his people distrustful and averse to supply him. Affairs went but badly with the pope in Italy, and Henry had no hopes in his parliament. To remedy this, the pope sends over one of his dependants, Mr. Rustan, a Gascon, with powers directed to the archbishop of Canterbury and himself, for collecting the tenths in all England and Ireland, to the joint use of the king and his holiness. The same persons were empowered to absolve Henry from his long subsisting vow of going to the Holy Land, on condition he should swear to the legate, that he would instantly undertake an expedition against Manfred in Apulia. With this view it was, that all the money collected, or to be collected, for the crusade, was assigned over by the pope to Henry, which being, with former assignments of the same kind, placed to Henry's account, swelled his debt to the pope to almost two hundred thousand merks; while, by the villanous contrivance of the bishop of Hereford, his holiness and his creatures had a demand upon the prelates of fifty thousand more.

This made Henry's case truly pitiable, had not his misfortune been incurred by his own levity and faithlessness. He had no support but the pope; he was subject to his commands, he was forced to bear his insults; and the insulting prelate sometimes went so far, as to threaten to turn him, as a bankrupt, out of his kingdom. Every species of oppression had been tried; the tax of tenths upon the clergy was prolonged from three to five years: even Scotland was by this pope taxed in the twentieth of all her ecclesiastical revenues (1) for Henry's expedition to Apulia; and the king of Norway had a dispensation of his vow to serve in the Holy Land, provided he would join that expedition; while all the money collected in either country for the former purpose, was ordered to be paid to Henry.

The next parliament assembled on the 18th of October. Henry's chief hopes now lay in a loan from the great men, upon the credit of the new expedition. The pope joined his interest in this project, and recommended it to the earl of Cornwall, whom Henry likewise very much pressed to advance him forty thousand merks; an incredible sum for any subject to furnish in those days! But the earl was not of a humour to part with money upon such chimerical views. He told the king, who urged him to set

that example to the other members, That the Apulian expedition had been foolishly undertaken, at the instances of crafty, self-interested Italians, against his advice, and that of the baronetage of England; neither would he advance a farthing towards it. The other great men made much the same reply: adding, that they had not been called together in terms of the great charter; neither would they enter upon so important business, as the lending or granting money, without their peers, who were then absent. From this we may conclude, that, in the summons to parliament, Henry, by calling some, and omitting others, sought to secure a parliament to his own mind. In this meeting the conduct of Robert de Ros came upon the carpet. Henry bitterly inveighed against him; but he was defended by the earl marshal with so much freedom, that Henry called him traitor. The majesty which ought to guard a crowned head from personal insult, if once contaminated, seldom recovers its lustre; every bold opponent is apt to treat it with contempt. The marshal, in full parliament, with eyes sparkling with rage, replied to Henry, "You lye; I never was, I never will be, a traitor. If the laws direct you, how can you affect, how can you hurt, me?" Henry, upon this, threatened to order his corn to be thrashed out and sold; but the haughty marshal declared, That he would send Henry back the heads of all whom he should employ on that account. To so miserable a pass had Henry's mismanagement reduced the dignity of the English crown, that it was now insulted by a subject, in the place where it ought to claim the greatest reverence.

The foreigners were daily pouring into England; Poictovins, Provençals, and Italians had long been nuisances to her inhabitants; but there was a glut of Spaniards, all of them introducing vices and disorders, till then unknown in England, while their irregularities were rather encouraged, than checked, by Henry. This abuse served still more to exasperate the nobility, and was given as a farther reason for their not complying with the royal demands. In short, the meeting, after many debates and altercations, broke up. From the words of Paris it would appear, as if the vile affair of the bishop of Hereford and Walleran had been brought before this parliament; for he tells us, that the earl of Cornwall reproached them very severely for their practices.

The government of England was, about this time, a good deal alarmed at what had happened in Wales. There three brothers succeeded to three different portions of dominion. Their names were David, Llewellyn, and Owen; but the eldest and youngest, discontented at their shares, joined to invade

(1) But it seems his holiness met with no favourable reception from the Scotch clergy; for they absolutely refused to pay the tenths, as archbishop Spotswood says, and even discharged Rustan the legate to enter the kingdom, as Alexander II. their king, had some time before forbid Gualo the legate to enter his territories. His words are, "Ottobon was not well gone, when another legate, named Rustaneus, was sent to demand a tenth of all the church rents within the kingdom, for advancing the journey of king Henry's son. But this seeming to cross the liberties granted by former popes unto the church, and it being notorious that the pope was to employ the monies to other ends (for he was then warring against Manfred king of Naples and Sicily); therefore the same was denied, and Rustan prohibited to enter into the realm." Spotswood's Hist. of the Church of Scotland, p. 45.



A. D. 1256. Llewellyn, who defeating and taking them prisoners, took possession of the undivided principality of all Wales.

Llewellyn  
seizes on the  
whole princi-  
pality of  
Wales.

Archbishop of  
York dies.

Soon after the parliament broke up at London, Ruftan tried what he could do to prevail with the clergy. He was a man of sense and address, and his hopes were the stronger, as the archbishop of Canterbury was abroad, the worthy archbishop of York but lately dead, and the bishops of Winchester and Hereford avowed partizans of the see and court of Rome. But the demands of Ruftan were so exorbitant, that the bishops of London and Worcester publicly declared, they were ready to die upon a scaffold, or on a gibbet, rather than agree to them. Nay, to such a pitch were papal abuses risen, that the creatures of that see had about them blank bulls from the pope, which they filled up with demands, as they saw proper.

Prince Ed-  
ward returns  
to England.

The credit  
and great pri-  
vileges of the  
knights tem-  
plars.

Rymer, vol. i.  
p. 574, 575.

Notwithstanding all this unpopularity of the government here, we find no attempts made, by the court of France, against the good understanding which had for some time subsisted between the two crowns: on the contrary, every thing between them was amicably adjusted, and the truce renewed. This left prince Edward at liberty to come over this year to England, which he did about the end of November. During the short time of that prince's government, he had discovered abilities, and a genius which, however irregular, promised one day great things. But, before I conclude the transactions of this year, we are to observe, that the knights-templars were then in great credit at the court of England. Accordingly, in the public acts, we meet with several extraordinary privileges they are entitled to: among others, their house is made a kind of sanctuary for the persons and effects of all who take refuge in it; and if they are at any time injured, the offending parties, or rather those suspected to offend, are obliged to purge themselves by oath, or be liable to the sentence of excommunication till they make amends: for indeed the vast power and riches of that order made it unsafe for any prince in Europe at this time to disoblige it.

Ruftan's prac-  
tices with the  
clergy,

and their reso-  
lution.

The beginning of the year 1256 was employed in new tentatives, by Ruftan, who was agent for the king and the pope, for obliging the clergy to comply with his exorbitant demands. He went even so far as to urge, that all churches belonged to the pope; but it was modestly answered, by the prolocutor of the clergy, That they belonged in no other sense than the property of subjects are said to belong to kings, who are not to waste, but to defend it. In short, the glaring forgery of the bishop of Hereford, and the other high demands made on the part both of the king and the pope, provoked some of the prelates to declare, that they would rather undergo the fate of Becket, than live longer under such oppressions. Not to be wanting, however, to themselves, they sent agents to Rome, to represent their case at that court; though they were sensible, in the mean time, that there was a scandalous,

but secret, collusion between the king and the pope; and that it was in vain for them to think to assert the privileges of the great charter before so venal a tribunal.

A. D. 1256.

Hitherto Henry's solicitations for money to put the crown of Sicily upon the head of his son had been in vain. His vanity, and the ambition of the pope, were equally interested in the success, and therefore both of them now resolved to proceed jointly in the affair. With this view the archbishop of Messina came this spring into England, and soon after a parliament was held, in which he spared no pains to make the assembly sensible of the glory and success which was likely to attend the expedition, if vigorously prosecuted by them. Upon this proposition a solemn debate followed. But it is necessary to premise, that at this time the Welsh were in arms, under Llewellyn, who, under pretence of some infractions of treaties, had fallen on the lands of the English subjects. We are likewise to observe, that Manfred, the competitor with Edmund, had met with such success, as seemed to blast all the hopes of the latter. We have, from the annals of Burton, very precise minutes of what passed during this parliament, and situation of affairs, both between the king and the people. That the opposition, therefore, which Henry met with on this occasion may not seem so unreasonable as has been industriously given out, I shall first give a copy of the reasons which the parliament had to oppose this expedition; next, of the king's demands upon the spiritual nobility; and lastly, of their answer.

The archbi-  
shop of Mes-  
sina comes to  
London.

The debates  
in parliament.

The reasons of the great men against the king's going to Apulia.

First, the distance of that kingdom from England.

Also the passage through the territories of potent men, that were enemies to the king.

Also the possession of \* \* \* \*, and other places of the enemy, which were passes to other parts of the kingdom.

Reasons of  
the great men  
against the  
king's expedi-  
tion to Apu-  
lia.  
Chasma in  
orig.  
Brady, Tyrrel.

Also the confirmation of another prince in the kingdom.

Also his confederation and amity with the natives and neighbours.

Also the possession of almost all the cities, castles, and fortresses against the English.

Also the enemy's great revenue in the kingdom.

Also the great charge the king had been at, and had received no advantage, but rather loss.

Also the vast and necessary expences yet to come, for the payment of his debts, the voyage thither, and the obtaining of the kingdom, for which all England sufficeth not.

Also the destruction and impoverishing of the kingdom of England, by many and frequent iters, or circuits of justices, and by extortions, and many sorts of prizes, and other oppressions.

Also the small stock of money the king and his son are furnished with for this attempt, the poverty of the inhabitants of England, both clergy and laity.

Also



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Also the troubles of Gascony, Ireland; and Scotland.

Also the incursions of the Welsh.

Also the diminution of the power of the kingdom of England in counsel, money, and men, which was like to happen by Richard earl of Cornwall's leaving of it.

Also the king of France, and the great men of neighbouring nations, especially such as heretofore had lands in England, would be encouraged to make an attempt upon it, if, for the design of Sicily, it was emptied of men, arms, counsel, and money.

Also we will not, nor do we, agree, that the king take upon him the burden of this expedition, lest it may seem he delivered himself into the hands of his enemies by our consent; neither can, or will, we undertake the burden of the said affair with the king, for the reasons aforesaid, and for the great hazard and vast expences, which we can never hope to bear, or overcome.

Also for the difficult and grievous conditions imposed upon the king, upon his acceptance and first undertaking of this business, by reason whereof, after infinite charge and labour, he may easily be laid aside, or fall from the right of that kingdom.

The demands of the king were as follow.

The king's demands.  
Brady, Tyrrel.

Whereas the king, by the common advice of the whole English church, upon the grant of the kingdom of Sicily to his son Edmund, had obliged himself to the pope to pay all past and future charges of acquiring that kingdom, he desired that the whole clergy and laity (*universus clerus et populus in totum, &c.*) would become obliged for the whole, or at least for the interest and penalties for the whole, to which he had bound himself.

Also he demanded of the clergy, that the tenths of all their benefices might be continued for five years, according to the new taxations (which was according to the true extended value) only necessary expences deducted.

Also he demanded the first years profits of all benefices that should become void for five years.

Also he required half the profits of the benefices of non-residents.

Also he asked the profits of all the benefices of privileged persons (such as had sinecures, or had dispensations to hold livings without performing service) except one, which the privileged person might chuse.

Also he desired all uncertain legacies, such as were indistinctly given, without naming any particular charity, and left to be disposed of according to the discretion of the priest, confessor, or ordinary.

Reasons of the bishops and clergy against the king's demands were as follow:

Reasons of the clergy against this expedition.

First, the king's demands cannot take effect, because so great a sum of money hath been already so unprofitably spent, and utterly lost.

Also we were not required to contribute

to the payment of that money from the beginning, nor are we any ways bound; nor did the king contract, or make this bargain with the pope by our consent, either tacit or expresse: yea, we know nothing of it, and therefore we neither will, nor ought, to be urged to the consummation of this business.

Also when we have nothing but the patrimony of Christ, whose stewards we are, that which, by the divine law, we are bound to give to the poor, we cannot give to kings, unless we may mock God, and convert ecclesiastical goods into prohibited uses, which for no reason we will or ought to do.

Also the whole kingdom sufficeth not for such a burden, although gold might be made of dirt (*etiamsi de luto fabricaretur aurum*), especially since the kingdom of Sicily is inexpugnable, and inaccessible to our army; and although we might have stipendiary and hired soldiers of that nation, yet their faith might justly be suspected.

Also if the English militia should be conducted to those parts, with so much money as was necessary for them, we might fear the neighbour kingdoms would invade ours, and so both kingdoms might be lost, that in possession, and that which is desired; especially when as the king of the Romans that is to be (*rex Romanorum futurus*) will carry a good part of our militia with him.

Also we see the inroads of the Welsh, and tis most necessary to defend our own kingdom, rather than to look to obtain another.

Also tis said, there is a composition between the church and Manfred, concerning the kingdom of Sicily, and all that belongeth to it, as public fame relateth and witnesseth.

I have given the above extracts in the same date of which I find them fixed by the annals of Burton, and our most approved historians; but I am far from being satisfied that they belong to this parliament, but rather to one held towards the latter end of this year. My reason is, because historians have fixed the death of William, the last emperor of Germany, before this period, to the latter end of the year 1256, and the election of the earl of Cornwall to succeed him to the same date. The prelates, so early in the year 1256, could have no intimation of the earl of Cornwall's intention to leave the kingdom, as they express it in this paper; therefore the substance of this remonstrance might have been presented in this parliament, and, as we have reason to believe from Matthew Paris, it might have been presented in a succeeding one, with the above amendment.

But though the reasons given by the clergy and laity seemed unanswerable, yet they were easily refuted by the absolute interposition of Mr. Rustan, the pope's agent. He plainly intimated, that, unless his master's demands were satisfied, by the clergy granting a supply for carrying on the business of Apulia, he would make an immediate claim of all the debt due to him from the crown of England; that the consequence of that would

A. D. 1256.

Mistake of historians corrected.



A. D. 1256. would be a mortgage of the kingdom itself into the pope's hands, who would thereby become the proprietor of all the ecclesiastical livings, till one hundred and thirty-five thousand merks be discharged. Had the prelates and clergy had a prince of any firmness or virtue to have supported them, they would have despised this menace; but they knew the weakness of Henry, and the effect of his fatal concessions. They knew that an excommunication, or an ecclesiastical interdict, of the king and kingdom, which were in the pope's power to inflict, would hazard both church and state; and, from all those considerations, they thought fit to submit.

The clergy submit to the pope's demands.

This compliance served only to encourage the agent to pursue the other parts of his instructions with more vigour. He required Henry to come at the head of an army in person, or else send a general with a sufficient body of forces, against Manfred, before Michaelmas then ensuing; otherwise, the whole transaction about Sicily was to be void, the money advanced upon it to be forfeited, the king to be excommunicated, and the kingdom to be interdicted. He likewise insisted, under the same penalties, upon the payment of the above sum of one hundred and thirty-five thousand merks principal, (which, it seems, was the balance now due to the pope) and five hundred and forty more for interest, before Michaelmas following; and for satisfaction to the Italian bankers and usurers, upon the forgeries of the bishop of Hereford. Henry was now too far gone to think of retreating; all he could do, was to apply, as a beaten slave, to the pope and his creatures, for some farther delay of the term for payment. Accordingly we find, among the records in the tower, several letters from him to that purpose.

Manfel sent ambassador to France.

Henry, however, still pursued his ridiculous resolution of conquering the kingdoms of Sicily and Apulia from Manfred, who had again defeated the pope's army, and thereby now rendered such a conquest almost impracticable by all the force of England. John Manfel was named ambassador to the court of France, through part of which dominions the English army for the Sicilian expedition was to pass. Manfel's instructions were, to demand from the king of France, in a general assembly of his states which was then holding, the restitution of the patrimonial dominions belonging to Henry's family in France. He had it likewise in commission to demand free passage for the English army in its march. To the first of these demands he met with a flat denial; and receiving intelligence in France of the ruin of the papal arms by Manfred, he put off making the other demand till he received farther instructions. It was about this time that the archbishop of Canterbury made a campaign, in person, in Savoy, for the release of Thomas of Savoy, whom his subjects had imprisoned. The queen of England's near relation to that house, made both Henry and her take a particular concern in the fate of this expedition, and a great deal of ready money was sent out of the kingdom to promote it.

Receives a flat denial.

The pope, says Paris, on his part, that he might appear a hearty friend, and an effectual useful ally, to the king and queen, sent them an elegant consolatory letter upon the prince's captivity.

A. D. 1256.

This year the king's pressing necessities rendered him ingenious enough to invent a new tax upon his subjects. It was, that all who held fifteen pounds a year should be obliged to take the order of knighthood, or buy it off with money. This could not fail bringing in a large sum to the Exchequer, since the perquisites due to the crown upon every creation were considerable, and the expence of supporting the dignity so great, that most people of moderate fortunes chose to compound. At Easter this year, the son of the king of Man was solemnly knighted by Henry, and the city of London was obliged to pay a tallage of five hundred merks; while the oppressions of the church, from the bishop of Hereford's villanous scheme, went daily on.

A proclamation, obliging all worth fifteen pounds per annum to be knighted.

Magnus king of Man knighted.

But, notwithstanding the compliance of the bishops, as churchmen, with the demands of Henry and the court of Rome, they made a firmer stand as barons; for, when the king and Rustan pressed them to subject their lay-tees to be taxed, they peremptorily refused to contribute any thing from them, but in common with the rest of the nobility of England.

The clergy refuse to pay as barons.

Prince Edward seems to have been at this time in England; for the Gascon merchants, in his government, made now heavy complaints at the court of England against Henry's officers, who, they said, had violently taken from them their properties, without making them any satisfaction, either in money or effects. The young prince, understanding those grievances, spoke against them at court with some warmth, and dropped an expression, as if he was resolved they should be no longer endured. This freedom nettled Henry, who, like all other weak minds, looked upon opposition as rebellion. He at last flew into a passion, and complaining that his son had dared to receive any petitions from his subjects in England, "I think, concluded he, that the days of my grandfather Henry II. are returned, in which his own children audaciously lifted up the heel against their king and father." But when his passion was over, he came to a more reasonable way of thinking, and ordered, that a stop should be put to such proceedings, and satisfaction to be made for what had passed.

The Gascons complain against the king's officers.

The nearer the term drew for the performance of the pope's demands, the stronger did Henry's rage for money grow. As a proof of this, he came this year in person to the Exchequer, where he declared before his barons, who were then sitting, That all sheriffs who did not, within eight days after the ensuing Michaelmas, bring into the Exchequer all the money within his sherrifdom, or to the crown, fee-farms as well as fines, should be amerced for the first day five merks, for the second ten, for the third fifteen, and in a much larger sum if he delayed any longer.

The sheriffs commanded to bring into the Exchequer the crown revenues, under a penalty.



A. D. 1256.

A. D. 1256.

Free cities were to be proceeded against in like manner, if they did not answer by their bailiffs at the Exchequer; and if they passed the fourth day, they were to forfeit their liberties. It appears likewise, that the king's late order about knighthood had not been much regarded by the sheriffs, most of whom had neglected to put it in force: Henry therefore ordered all such as should not distrain every man, who had fifteen pounds (Paris says ten) a year, to take the order of knighthood, to be amerced in five merks. Our historians, by an inexcusable oversight, have generally fixed this visit of Henry to the Exchequer to the 9th of October, which was ten days after the term for payment was elapsed: but Matthew Paris says, it was the fourth day before the feast of St. Edward, by which must be meant St. Edward the Martyr, whose day falls on the 16th of March (1).

Brady, Tyrrel.

The Welsh are  
oppressed,  
and rebel.

The lands of the bishopric of Ely were, at this time, wasted by order of Henry, for that convent refusing to chuse a bishop of his nomination. But the oppressions of Henry reached even beyond the limits of his own lands. One Geoffrey Langley had been appointed to collect the royal revenues on the borders of Wales, and his exactions had provoked the Welsh to take arms. Henry saw this with unconcern, as he had lately made over the property of the lands belonging to the crown, on those borders, to prince Edward. That prince, therefore, was obliged to apply for money to the earl of Cornwall his uncle, who lent him four thousand merks to raise men for chastising the enemy. But Edward's spirit was greater than his success; for the winter season proved so unfavourable, that he was unable to dislodge the Welsh from their fastnesses, or even to prevent their carrying their ravages to the very gates of Chester.

Paris.

Oppressions of  
the subjects.

Henry, during this expedition, was contriving new methods of both filling and emptying his coffers. An inquisition into public abuses was set on foot. Those who had refused taking the order of knighthood, and were qualified in terms of Henry's order, were fined; all neglects of attendance in the king's courts were severely amerced; all lands holding in serjeantry were taxed; all transgressions, in point of weights and measures, were narrowly examined, and most rigorously punished; in short, justice was turned to oppression; nor would Henry's necessities suffer him to shew himself the father of his people, any other way than by rigorously punishing their offences.

The king and  
queen of Scots  
come to Eng-  
land.

Part of the money, thus extorted, was this year lavished in the entertainment of the king and queen of Scotland, who paid Henry a visit, in August, with no less than three hun-

dred horses in their retinue. Their reception was both affectionate and magnificent. The court of England, by Henry's express orders, was now more than commonly splendid; and when the royal families went abroad, their attendants were so numerous, that they were obliged to divide themselves into different bodies. This company was soon after increased, by the arrival of a prince of Castile, brother to prince Edward's wife, who having some differences with his elder brother, had left Castile, and sought refuge in England. Henry, to whom every thing that was foreign was welcome, received him with open arms, and ordered him to be magnificently entertained.

But though Alexander king of Scotland professed the highest regard and duty for Henry, yet his visit had another meaning than a mere matter of ceremony; for he prevailed now with Henry to invest him in the great earldom of Huntingdon, with the same rights any of his predecessors had enjoyed it: and so effectually did he and his queen ingratiate themselves with Henry, that he gave them favours denied to all besides, even to the dispensing with justice itself in favour of their friends and dependents.

The king of  
Scotland in-  
vested in the  
earldom of  
Huntingdon.

But the jollity of those interviews were much interrupted by the obstinacy of the Welsh, and the news from Gascony. The former had on foot a fine army, consisting of ten thousand horse, and a much greater number of foot. Henry had given his son all he could claim by virtue of his superiority over them; but they, justly I think, disputed his power of making any such concession. They therefore stood upon high terms: they swore (to the reproach, says my author, of the English, who were now destitute of the like spirit) upon the holy Evangelists, to die free, rather than give up any part of their rights: they forced Griffin de Brunet to take refuge at the court of England, and ravaged his estate, with those of other barons in the English interest. Prince Edward had already dissipated the money he had borrowed from his uncle, and both his father and mother were unable or unwilling to supply him with more. But the truth is, the ill example set by Henry himself, who in all extra-judicial matters acted very arbitrarily, had brought this young prince into a course of licentiousness, which was extremely disgusting both to the French and English. Matthew Paris has given us some instances of those, which nothing but his youthful blood, contaminated by bad examples, can excuse. They had, however, a very bad effect both upon his character and interests. He was disabled from making head against the Welsh, who, underhand, were favoured by some of the English

The resolution  
and spirit of  
the Welsh.

(1) Canutus, after the manner of his zeal, added two new festival and vacation days, in these words: "We forbid ordeal and oaths on feast days and ember days, and in Lent and set fasting days, and from the advent of our Lord till the eighth day after the twelfth be past, and from Septuagesima till fifteen nights after Easter. And the sages have ordained, that St. Edward's day shall be festival over all England on the fifteenth of the calends of April, and St. Dunstan's on the fourteenth of the calends of June; and that all Christians (as right it is) should keep them hallowed and in peace." The words of the law are, Et prohibemus ordalium ac juramenta festis diebus, et diebus quatuor temporum, et diebus quadragesimalibus et justis diebus jejunalibus; et ab adventu Domini usque dum octavus dies supra duodecesimum diem præterit; et a Septuagesima usque ad decimum quintum diem supra Pascha. Et sancti Edwardi festum sapientes eligerunt, ut festum celebraretur per omnem Angliam 15 kalend. Aprilis; et sancti Dunstani festum 14 kalend. Junii: et his sanctis temporibus (prouti justum est) omnibus Christianis pax et communio sit, et omnibus fraus dissipetur. Wilkins Leges Anglo-Saxon, p. 131.



A. D. 1257.

The affairs of Gascony.

themselves; and the Gascons began now to be very uneasy under the English government. The king of Castile had, in the late engagements between them and Henry, been very instrumental in making matters up; and when he made his renunciation of Gascony, in favour of the royal family of England, he had made himself a guarantee for the performance of what had been stipulated, on Henry's part, in favour of the Gascons. It is likewise probable, that he was a good deal nettled at the court of England for the reception his brother had met with here. Be that as it will, it is certain he had a plausible pretence for intermeddling in the affairs of Gascony. The Gascons themselves appealed to him, and the king of France, as lord-paramount of the country, took a concern in their sufferings. The king of Castile, therefore, ordered it to be declared to Henry, that he could no longer avoid fulfilling the terms of his guaranty, and that he should be obliged to enter Gascony at the head of an army. This declaration encouraged several Gascon noblemen, disaffected to Henry's family, to take up arms; and the whole province might have been then lost, had it not been for the address of John de Gatesden, one of Henry's envoys, sent on purpose to the court of Castile, to endeavour to make up matters between the two monarchs.

Henry's partiality to his own family and relations.

Among the many other shameful partialities of Henry, we meet with one, this year, of a dangerous kind, in favour of his own family and relations. For a prohibition was now issued by him, commanding the chancellor not to put the seals to any deed, or to issue any writs which might be prejudicial to the interests of his brother, or Peter of Savoy, or any uterine brother of the king. This was, in effect, freeing them from all obligations of national justice in matters of property, and is deservedly exclaimed against by our historian. These are the chief civil transactions of this shameful year, which I shall end with the translation of the words of Paris. "In fruits and corn it was pretty fertile, but productive of much slavery to the church and churchmen," (he might have added the state too). "It begot the hatred of France, because of the approaching promotion of the earl of Cornwall. To the Holy Land it was ineffectual, or rather hurtful; to England, full of rapine; to Scotland, of turbulence; and to Wales, of wars."

Paris.

The year 1257 was opened with a great event. We have already observed, that the Imperial dignity was once in the pope's eye in favour of the earl of Cornwall. The earl of Holland meeting now with an untimely end, the electors into that high dignity met to consult upon a new choice, and the majority carried it for the English earl. Early this year deputies came from the electors, with the archbishop of Cologne's letter, acquainting the earl of the next to unanimous consent of the electors in his favour. Richard was extremely cautious, though without ambition, and frugal, though magnificent; therefore, though he eyed the dignity with vast

delight, yet he entered upon it with the utmost circumspection. A kind of cabinet council was held; in which the matter was fully debated; but Henry decided the affair, by declaring it as his positive opinion, that the earl ought to accept the honour cast into his lot by the providence of God, and the election of man. But, notwithstanding this, it does not appear that the earl absolutely accepted the election, till he had sent some trusty agents to feel the pulses of the chief electors. He declared, however, that if he found things agreeable to his inclinations, that he would accept of the high dignity; not through ambition or avarice, but through the fervent zeal he had to restore the empire to its tranquility, to raise the glory of the English name, and to do honour to the blood of Rollo. It was not long before his agents returned with the report, that every thing was disposed in his favour as he could wish. Upon this the earl made suitable preparations for his journey. His actual riches surpassed perhaps that of any crowned head in Europe in his time, and amounted, according to Matthew Paris, to such a sum, that his ready money could have enabled him to spend a hundred merks a day for ten years together, and this exclusive of his great yearly income. Having therefore received the report of his agents, he thought it decent to take his leave of the representative body of England in form. A meeting of parliament accordingly being held in Midlent, the elect king of the Romans, a dignity preparatory to that of emperor, took his leave of the assembly. The lustre of such honour done to one of the blood royal of England dazzled the eyes of the unthinking public so much, that people in general did not reflect, as they ought, upon the ruinous effects which the departure of this great prince, with so large a sum of money as was necessary to support his pretensions, was to have upon the kingdom, in its then exhausted state. All London was crowded from all parts of the kingdom with people who came to see him before he set out; and, by a letter from Henry to the bishop of Hereford, we find, that he proposed in person to attend his brother to Germany. Even the Welsh shared in the general joy; and a truce now subsisting between them and the English, Llewellyn sent ambassadors to make his compliments to the elect king before his departure. The public was as yet ignorant that the king of Castile had a strong party in Germany, and powerful pretensions to the imperial dignity. But at last, every thing being got ready, Richard set out, attended with no fewer than forty-seven men of fortune and quality, from England, who had all of them passports from Henry. Towards the end of May Henry received a letter from his brother, acquainting him of a victory gained by the archbishop of Mentz over the elector of Triers, who had opposed his election; and that he had been crowned king of the Romans at Aix la Chapelle.

who sets out to take possession of that dignity.

Rymer, vol. i. p. 622.

The parliament continued to sit after Richard's departure, and the affair of Apulia was

The earl of Cornwall elected king of the Romans,



A. D. 1257.

Prince Edmund introduced to the assembly in Apulian dress.

Henry demands the tenths.

Estimate of the extraordinary sums the nation was obliged to pay.

The Welsh refuse the superiority of prince Edward.

was now the chief subject of their deliberations. Henry, whose mind was elated with the thoughts of being both the brother and father of a king, ordered that young Edmund should be clothed in Apulian habit, and bringing him into the assembly, he introduced him with a speech, in which he besought their favour for so promising a prince, who seemed to be so peculiarly pointed out by heaven to grace a diadem. He acquainted them, at the same time, that he had bound himself under forfeiture of his kingdom for the payment of a hundred and forty thousand merks, besides interest, to the pope. He then demanded the general tenths for five years, of the whole beneficed clergy, according to a new valuation which had been made, and those to be paid even without any deduction for necessary expences. This was an alarming declaration to the parliament: they saw their own danger, as well as that of the kingdom: they could not, however, be prevailed upon to come into all his exorbitant proposals; but they offered, at last, to grant him fifty two thousand merks, on condition that he would inviolably observe the great charter. But Henry was resolved to have all or nothing, and therefore refused this offer. The annals of Burton speak of another parliament held soon after the dissolution of this, which was not so favourable to Henry's demands. The archbishop of Messina had by this time again come into England, with a commission from the pope to press the Sicilian expedition. But our author here acquaints us of an amazing circumstance; for he says, That he was informed, by persons conversant in accounts, and who had been very diligent in inspecting those of the nation, that Henry had robbed his people of no less than of nine hundred and fifty thousand merks; but this we are to suppose includes the money extorted by the see of Rome likewise. For all this, continues my author, the nation received rather detriment than benefit; since it is better that your sword or your arrow should fall into the sea, and be lost, than that your enemy should wrest them out of your hand, and turn them against yourself.

The Welsh still continued to resent their being subject to the prince of England, tho' as they pretend, they did not dispute the superiority of the king himself. Llewellyn was now prince of all Wales, and enjoyed a territory almost equal to that of any prince who had reigned for upwards of a hundred years before. The king of the Romans, before his departure, had sent him a letter, in which he requested him not to molest the peace of England; but this had little effect, as Henry still refused to revoke the prince's superiority. Llewellyn, therefore, was again in arms; and when prince Edward solicited assistance from the king, the latter told him, That it was his own concern, the land being his by gift, and that he ought to purchase honour in his youth. But matters became now too serious for Henry to continue longer an unconcerned spectator. The progress of the Welsh, who had destroyed many English and their estates,

obliged him to take the field about the end of July. Accordingly summonses were issued from Woodstock, directed to the chief military tenants, requiring them to rendezvous some at Chester, and others at Bristol, that the army, being divided, might enter Wales at different quarters. But the Welsh wisely had recourse to their old policy; they destroyed all the means of subsistence for the English, who had no magazines; and, after breaking down their bridges, and rendering their roads impassable, they retired towards Snowden, that common barrier of the English progress within their country. Henry, thus advancing under many disadvantages, especially that of having traitors in his own army, was at last attacked from the higher countries with such fury by the Welsh, that he was in danger of losing all his army; and with difficulty he brought back its shattered remains to Chester. His troops on the other side had no better success; and the Welsh, encouraging one another upon their success, demanded to be restored to all their old laws and privileges, in which case they offered to submit to Henry himself, though not to his son. But this the king neither could nor would grant, and so hostilities continued through all the Winter.

The king of France, like a wise prince, had, ever since his return, cultivated the arts of peace, that his subjects might enjoy respite after their harassing expeditions. But the election of the earl of Cornwall to be king of the Romans, and the repeated demands which Henry continued to make of Normandy, began now to put him upon his guard. Expecting, therefore, to be attacked at once from England and Germany, he put Normandy into the best posture of defence it could admit of, and soon after received a formal deputation from England, making the same claim; but to no purpose. He had, before this time, declared himself in favour of Alphonso, king of Castile, the rival of Richard for the imperial purple. The second article of the league between Alphonso and Henry imported, That they were to assist each other against all men in the world. Alphonso laid hold of this loose stipulation to press Henry to furnish him with some assistance against his own brother; but this Henry, for obvious reasons, refused: and from that time there grew a visible coldness between him and the court of Castile.

The oppressions of England were now come to a crisis, and her honour, independency, and interest must have all perished, had it not been for the convulsive throws of her constitution, in, what every one thought to be, her last agony. That which Henry thought would serve his power, was the principal means of overturning it. All hopes of succeeding in Sicily were now so blasted, that they became ridiculous to Henry himself, who could not help letting the pope know, that he was sensible he had been imposed upon; that he was resolved to stop up the springs of money from issuing into the papal coffers. The sum of seven hundred thousand pounds (an incredible treasure

A. D. 1257.  
Rymer, vol. i.  
p. 635.

The conduct of the king of France.

Rymer, vol. i.  
p. 505.

The vast sums the earl of Cornwall carried out of England.



A. D. 1258. sure for those times!) had been carried out of England by the king of the Romans and his followers; so that the kingdom was, in effect, drained of its ready money. The court of France discovered daily new subjects of discontent with Henry, and it was visible she would take the first opportunity of distressing him. The Welsh were still in arms, and had fallen not only with fresh fury upon the English estates, particularly those belonging to prince Edward and the earl of Gloucester, but had forced Henry, after great loss, to make a precipitate and inglorious retreat to London.

A great famine in England. Westminster.

All those unhappy circumstances of distress to Henry were heightened by a melancholy one to the people; for the extreme scarcity both of money and provisions was now such, that a cotemporary author says, he has often seen the people at blows for the carcases of dead dogs or other carrion, or for the wash which swine used to feed upon. Neither are we to forget, that at this time the party in opposition to the English interest in Scotland now got the upper hand so far, as to seize the person of their king, so that an invasion was every day expected from the north.

Henry's authority diminishes.

The beginning of the year 1258, therefore, was spent by Henry in a state of inactivity, proceeding from impotence and stupefaction. About the middle of March, he summoned his military tenants to take the field against the Welsh, who had now overrun great part of Pembrokehire. Some time before, he had done the like with regard to his military tenants in the north, with an intention to chastise the rebels of Scotland. But to so poor a state was the royal authority now reduced, that neither of those summonses seem to have been obeyed. Henry's consternation at the ruined condition of his affairs was increased, when a fresh demand of money came from the pope, which he had not the spirit to refuse, and sent him five thousand merks, with an earnest petition for a longer term for payment of the rest; which his holiness, who began now to fear the loss of all his interest in England, granted. One Herlot, however, now came to England, in place of Rustan, who, by his exactions, was become extremely unpopular, and therefore his commission was superseded.

Herlot the pope's agent demands money.

The second Tuesday after Easter was the first day of the session of parliament this year; and Mr. Herlot acquainted the assembly, that if the king or his people expected any happy event from the affair of Sicily, it was necessary to furnish his holiness with a large sum of money. The king, on his part, seconded the agent, and laid before them the necessity of granting a supply towards checking the progress of the Welsh. The bishop of Valencia, who had amassed a vast hoard of money in England through Henry's blind partiality, then urged, that this misfortune had befallen the kingdom through the practices of English traitors, naming the earls of Gloucester and Leicester.

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It was with difficulty that Henry himself could hinder the latter from severely punishing the arrogant prelate on the spot; and the first day's session ended without any resolution being taken. The king's necessities not suffering him to wait for the result of parliamentary deliberations, he attempted other methods, and prevailed with the abbot of Westminster to set the seal of the convent to a bond for two thousand five hundred merks. This being industriously shewn about, other abbots were weak enough to follow the example; but all the art of Henry's agents could not prevail with the abbots of St. Albans and Reading to part with a farthing in an extra-judicial way.

The abbot of Westminster gives the king security for 2500 merks.

The people at this time received a considerable relief, by the arrival of fifty ships laden with corn, and sent by the care of the king of the Romans. The corn was sold at a low rate; but even that was too high for the circumstances of a people drained of their money. Proclamation however was made in London against the citizens there buying up, as they had formerly done, great quantities, and selling them out at an extravagant price. But this was only one of many crimes, though they are not specified by our author, of which that city was now accused. She was obliged to buy her peace with a large sum paid to the all-grasping court; and those exactions had such an effect upon Ralph Hardel, the mayor, that they broke his heart, and he died of grief. In the mean time the progress of the Welsh was such, that prince Edward was obliged to mortgage some of his best estates to his uncle the bishop of Valencia; and Thomas of Savoy being released from prison, came over to England, where Henry made him a present of a thousand merks.

The king of the Romans sends corn to England.

Ralph Hardel mayor of London dies with grief.

The parliament still continued to sit, but nothing passed besides mutual reproaches. The king blamed them for their obstinacy, and they him for his simplicity. But Rustan, though disposed from being the pope's agent, had found means to wind himself so far into Henry's affections, as to revive his confidence in the success of the Sicilian expedition. This made him, in concert with Herlot, press that affair as much as ever. But the nobility, who every day more and more perceived the necessity, to which Henry would be soon reduced, of complying with their demands, again put him in mind of his breach of oaths, promises, and charters; of his ruinous prodigality to foreigners: and the earl of Leicester addressing himself not to the king, but to the assembly, demanded justice upon William of Valencia, who in arrogance exceeded all other foreigners. This brought on a debate, in which the English party ripped up all the particulars of the king's mismanagement; and observed, that the honour of the nation had then fallen so low, as that she was obliged to put up with the insults and injuries offered her by so despicable an enemy as the Welsh. Henry was present, and perceived the force of their arguments. He began to open his eyes to conviction; he talked in a

Rustan and Herlot press the Sicilian expedition.



A. D. 1258. **Henry swears to reform his conduct.** more moderate strain; and at last took shame upon himself, by acknowledging the many scandalous breaches of what he had so often promised. He then solemnly swore before the shrine and upon the altar of St. Edward, that he would thenceforth reform his misconduct, by following the advice of his natural-born Englishmen. His oaths were not near so convincing proofs of his sincerity to the assembly as his necessities were. They had not yet come to any fixed resolution, and it required some time for bringing the English party into one system of acting in concert.

The recess was employed by the English in forming an association against all the traps and plots of foreigners. The earls of Gloucester, Leicester, and Hereford, with the earl marshal, were at the head of this association.

But we are now upon the eve of a great transaction, which had been long meditated by the barons, often frustrated by the prevalence of prerogative, but now effected through its weakness. We have, in the course of this history, endeavoured to explain the nature of the great provision of resistance made by the charter of king John, and to shew the reasons why it was ineffectual. The civil wars which followed immediately upon John's granting the great charter, together with the fatal submission the barons themselves had made to Lewis, prevented the five-and-twenty barons, then chosen, from continuing the exercise of their powers, which, in effect, had lain dormant for upwards of forty years, and were therefore now looked

upon as obsolete, if not extinct. The English had long been sensible, that, without such a provision, all charters in favour of public liberty would prove as feeble as paper is against steel; a scheme therefore was drawn up for supplying this defect, and restoring that great spring of the constitution. For this they had a good pretence, upon the face of that very charter that had been so often, and so solemnly, sworn to by Henry himself; but they seem to have agreed, that it was impracticable, considering the alterations the government had undergone since the days of king John, to revive the same powers, and in the same manner. A supplemental scheme, however, was now drawn up, and the present disposition of the king gave them strong hopes of success. As the barons found that Henry had the Sicilian business too much at heart to enter into any negotiation, without having some hopes on that head, they agreed to do their utmost towards obtaining an aid for forwarding it, provided the pope would a little abate in the rigour of his demands. This preliminary being settled, rendered the king more tractable on other heads. He promised, in general, to reform the state of the kingdom, according to the advice of his English subjects, and the pope's legate, if any one was in England, before next Christmas; and this under pain of incurring ecclesiastical censures. But, that the reader may judge for himself, I shall give the original words of this and another charter granted at the same time, the rather because I conceive them to be necessary supplements to the great charter itself.

Rex omnibus, &c.

" The king to all, &c.

Rymer, vol. i. p. 654, 655.

**C**UM, pro negotiis nostris arduis, nos et regnum nostrum contingentibus, proceres et fideles regni nostri ad nos London. in quindena Paschæ proximo præteritæ faceremus convocari; et cum de negotiis supradictis, et maxime de prosecutione negotii Siciliæ diligenter cum eisdem tractaremus,

Ac ipsi nobis responderint quod, si statum regni nostri per consilium fidelium nostrorum rectificandum duxerimus, et dominus papa conditiones circa factum Siciliæ appositæ melioraverit, per quod negotium illud prosequi possemus cum effectu,

Ipsi diligentiam fideliter apponent erga communitatem regni nostri, quod nobis commune auxilium ad hoc præstetur,

Nos eis concessimus quod, infra festum natalis Domini proximo futurum, per consilium proborum et fidelium hominum nostrorum regni Angliæ, una cum consilio legati domini papæ, si in Anglia medio tempore venerit, statum regni nostri ordinabimus, et ordinationem illam firmiter observabimus.

Et, ad hoc fideliter observandum, supponimus nos coercionem domini papæ, ut nos ad hoc per censuram ecclesiasticam prout expedire viderit, valeat artare.

Protestamur etiam quod Edwardus filius noster primogenitus, præstito sacramento corporali,

" **W**HEN we ordered the peers and the loyal subjects of our kingdom to meet at London, on the quindemes of Easter (that is the 8th of April) last past, concerning the weighty affairs of us and our state; and when we treated with them concerning the foresaid matters, and chiefly concerning the prosecution of the Sicilian affair; and they having answered, that if we thought proper that the state of our kingdom should be rectified by the council of our loyal subjects, and if our lord the pope would better his terms concerning the Sicilian business, so as we could prosecute that affair with effect, that they would earnestly labour with the community of our kingdom to grant us a common supply; we therefore granted to them, that, before the feast of our Lord's nativity next to come, we would, by the advice of our good and loyal subjects, together with the counsel of the legate of our lord the pope, if in the meantime one should arrive in England, that we will settle the affairs of our kingdom, and firmly observe the said settlement. And, for the faithful observance of the same, we submit to be compelled by ecclesiastical censures, to be inflicted as the pope shall see

A. D. 1258.

The barons take advantage of Henry's necessities.

Henry promises to reform under penalty of ecclesiastical censures.

His supplements to the great charter.



A. D. 1258. porali, per litteras suas concessit quod omnia, superius expressa, quantum in ipso est, fideliter et inviolabiliter observabit, et imperpetuum observari procurabit.  
In cujus, &c.

"see meet. And we declare, that our eldest son Edward, having taken his bodily oath, has by his letter granted, that all the above covenants he will, as far as lies in his power, inviolably observe, and cause to be observed, for ever."

The witnesses to this charter are, prince Edward, Galfrid de Lesignan and William de Valence, the king's brothers, Peter of Savoy, John de Plessey earl of Warwick, John Mansel treasurer of York, Henry de Wingham dean of St. Martin's in London, Peter de Rivall, Guy de Rocheford, Robert Walerand, and in presence of many others of our earls and barons, and is dated at Westminster, the 2d day of May.

The other charter was more explicit, and is as follows:

Rex omnibus, &c.

"The king to all, &c.

**N**OVERITIS nos concessisse proceribus et magnatibus regni nostri, juramento in animam nostram per Robertum Walerand præstito, quod per 12 fideles de concilio nostro jam electos, et per alios 12 fideles nostros electos ex parte procerum ipsorum (qui apud Oxon. a festo Pentecostes proximo futuro in unum mensem convenient) ordinetur, rectificetur, et reformetur status regni nostri, secundum quod melius viderint expedire, ad honorem Dei, et ad fidem nostram, ac regni nostri utilitatem.

Et, si forte aliqui electorum ex parte nostra absentes fuerint, liceat illis, qui presentes fuerint, alios substituere loco absentium; et similiter fiat ex parte prædictorum procerum et fidelium nostrorum.

Et quicquid per viginti quatuor, utrimque electos et super hoc juratos, vel majorem partem eorum circa hoc ordinatum fuerit, inviolabiliter observabimus; volentes, et firmiter ex nunc præcipientes quod ab omnibus inviolabiliter observetur eorum ordinatio.

Et securitatem omnimodam, quam ipsi vel major pars eorum ad hujus rei observationem providerint, vel providerit, eis, sine qualibet contradictione, plene faciemus, et fieri procurabimus.

Protestamur etiam quod Edwardus filius noster primogenitus, præstito sacramento corporali, per litteras suas concessit quod omnia, superius expressa et concessa, quantum in ipso est, fideliter et inviolabiliter observabit, et procurabit imperpetuum observari.

Promiserunt etiam comites et barones memorati quod, expletis negotiis superius tactis, bona fide laborabunt ad hoc, quod auxilium nobis commune præstetur a communitate regni nostri.--- In cujus, &c. hiis testibus ut supra.--- Datum ut supra.

"**K**NOW ye, that we have granted to the peers and great men of our kingdom, by an oath taken for our soul by Robert Walerand, that the state of our kingdom shall be ordered, rectified, and reformed by twelve loyal persons chosen out of our council, and twelve others chosen on the part of our peers, who are to meet at Oxford one month after the feast of Pentecost to come next, according as shall seem to them most expedient, for the honour of God, for our service, and for the benefit of our kingdom.

"And if any of those who shall be chosen on our part should chance to be absent, they who are present have a power to substitute others in room of the absent; and in like manner on the part of our peers and loyal subjects.

"And we will inviolably observe whatever shall be ordered by the said twenty-four, or the majority of them duly elected and sworn, concerning the premises; being willing, and firmly commanding, that henceforth whatever they may order shall be faithfully observed by all our subjects.

"And whatever security they, or the greatest part of them, shall think proper for the due observation of the premises, or shall provide for the same, we will duly and inviolably fulfil, and cause to be performed.

"We likewise declare, that our eldest son Edward, having taken his bodily oath, has by his letter granted, that all the above covenants he will, as far as lies in his power, inviolably observe, and cause to be observed, for ever.

"The foresaid earls and barons likewise promised, that the affairs above-mentioned being fulfilled, they will, with earnest zeal, labour to induce the community of our kingdom to give us a common supply."

The witnesses the same as to the preceding charter, and the date the same.

Proceedings of the parliament.

Upon the appointed time they came to parliament, well attended, armed, and provided against all the machinations of foreigners. It must be owned that this was neither decent nor legal; but they justified it on pretence that they might be obliged to

attend the French war; and our author excuses it by saying, that, from their former experience of Henry's levity, they had reason to suspect, that, by the advice of his favourites, he would employ a foreign force to over-awe the freedom of the assembly.

The



A. D. 1258.  
The committee of twenty-four appointed for redressing the grievances of the nation.

Their names.

The first important business of the session was the election of the twenty-four, whom we may call the committee for redressing national grievances. The choice, as the charter expresses, was to be made of twelve men of the king's counsel on his part, and twelve on that of the barons. The names of those who were elected were as follow: those chosen by the king were, the bishop of London, the bishop elect of Winchester, Henry son to the king of Almain, John earl of Warren, Guido de Lusignan and William de Valence the king's half brothers, John earl of Warwick, John Mansel friar, J. de Derlington, the abbot of Westminster, Henry de Wingham dean of St. Martin's in London, the twelfth is omitted. The twelve chosen by the earls and barons were, the bishop of Worcester, Simon earl of Leicester, Richard earl of Gloucester, Humphrey earl of Hereford, Roger earl of Norfolk and earl marshal; the lords Roger Mortimer, John Fitz-geoffrey, Hugh Bigod brother to the marshal, Richard de Gray, William Bardolf, Peter de Montfort, and Hugh de Espenfer. These twenty-four being chosen, proceeded to the choice of four, who were to name the king's council. These were as follows: The earl of Warwick, John Mansel, the earl marshal, and his brother Hugh Bigod; and they nominated the following persons to be of the king's council, the archbishop of Canterbury, the bishop of Worcester, the earl of Leicester, the earl of Gloucester, the earl marshal, Peter of Savoy, the earl of Richmond, the earl of Albemarle, the earl of Warwick, the earl of Hereford, John Mansel, John Fitz-geoffrey, Peter Montfort, Richard de Gray, Roger Mortimer, James de Aldithlege, or Audley.

Reflection.

It must be owned that those proceedings were highly unconstitutional, as the laws and practices of the kingdom then stood. They were not grafted upon the principles of the article of resistance in the great charter, which ought to have been the rule of the party, but utterly inconsistent with it: for the article in the great charter left the executive part of the government in the hands of the king, as fully as his predecessors had ever lawfully enjoyed it. The five and twenty barons therein mentioned had no power to act but for redress of grievances, arising from the breach of the articles of the great charter on the part of the king; but, by this new and dangerous model of the constitution, the executive part is taken out of the hands of the king, and lodged with a junto, in whose hands it was more dangerous to leave it, than in those of the king. The party itself, however, seems to have been entirely sensible how unconstitutionally they were acting; for we find that the committee of twenty-four thought it dangerous to act by virtue of their commission, till they had another very ample one from Henry, in which were recited his foresaid oath and promises; he then commands them to proceed to the said reformation; nay, under pain of his displeasure should they omit it. He next grants them a kind of an indemnity from him, his

heirs, and successors, who he promises them shall never be offended nor displeased with their conduct in proceeding to such reformation. This charter beareth date, at Oxford, the 22d of June, 1258; and another, of the same date and nature, is addressed to the committee of four.

Thus the proceedings of those barons are condemned upon the very face of the deeds, which they took for their own security; since they plainly imply, that they acted by the regal authority, and that they never could have acted so, had not royalty become *felo de se*, by thus transferring its own incommunicable rights.

The precautions they took for their own safety tacitly admitted the illegality of their proceedings, which therefore neither can or ought to be brought as precedents in English history.

The new-modelled government then went upon the dispatch of business; and the committee of twenty-four for the redress of grievances drew out five articles, which were to serve as the basis of their proceedings. The first was the confirmation of John's great charter. Secondly, they demanded the nomination of a justiciary, who was to do justice without regard to persons or characters. Thirdly, they demanded to have the nomination of all the great officers of state, such as the justices, chancellors, treasurers, from year to year in perpetuity. Fourthly, they demanded that the king's castles should be put into their own or their friends hands. Fifthly, by edict they made it capital for any, of what degree or order soever, to refuse to consent to these things; and against such the archbishops and bishops also pronounced excommunication.

The same committee next proceeded to settle the affairs of parliament, and the rights of the subjects to be present therein. But, in order to give the reader a clear idea of this important proceeding, it is necessary to consider the state of the feudal tenures in England at this time. We have, in different parts of this work, explained the nature, properties, and effects of feudal tenures, and first rise of great national assemblies. While the feudal law subsisted strictly in England, which it did but for a short time, the king's court, properly speaking, had cognizance of all causes belonging either to law, equity, or politics, and therefore there was, in a strict sense, no other parliament. But, in process of time, a very material difference happened in the two points of duty to which they were summoned; I mean advice and consent. In early times after the conquest, advice was generally all the king required; because the vast revenues of the crown, and the nature of feudal tenures seldom subjected it to any extra-feodal demands which required the consent of the court. But as the power of the people grew with the necessities of the crown, we are to keep in our eye a material difference between the ordinary court of the king, which was generally held upon the dispatch of demesne business, or matters of justice and property, at stated times

A. D. 1258.

The conduct of the barons not justifiable by the constitution.

The barons demands of the king.

State of feudal tenures at this period.

See p. 383, &c.

Power of the king's court in the time of the Anglo-Saxons.

Two sorts of king's courts among them.



A. D. 1258.

A. D. 1258.

Difference between greater and lesser barons.

[Magna charta, p. 668, art. xvii and xviii.]

The latter have no decisive voice.

in the year; and the national councils, which are now generally termed parliaments, and without whose consent no extra-feodal business could be done. The barons who had feudal baronies from the Conqueror were but few, and generally that great prince was so very liberal, as to vest many baronies in the same person. The great powers which revolved to the crown, through the defect of male or other heirs, the succession of females, forfeitures, and the like, sooner or later, had already thrown most part of the great feudal baronies, granted by the Conqueror, into the king's hands. And though he could not encrease the number of baronies, yet the number of barons was by this time vastly augmented, by regranting the escheated estates out into smaller parcels, each of which being a barony, created the possessor a baron. Those regrantings were often attended by new tenures; and hence arose the difference between new and old infeoffments, great barons and lesser ones. This last distinction began so early as the reign of Henry II. (1), and it seems to have been strongly established at the time of granting the great charter.

But the great barons, finding that their power must be much abridged, by the king's creating such a number of persons with baronial powers, and entitled to the same privileges with themselves, succeeded so far, as to procure an express article in magna charta for their personal attendance in parliament, while the tenants in capite were to be generally summoned by the county officers. Thus the condition of a lesser baron became very insignificant, since, if he had not interest at court, he could not be called to parliament by writ, or any other way, than as one of the other tenants in capite. But the great doubt and difficulty lies here, whether the tenants in capite, who were generally summoned by the county officers, had any more than a deliberative voice, the decisive voice being lodged in the great barons, who had special summonses? For my own part, I think there are many presumptions for believing, that, after this regulation took place, all the tenants in capite, by knight service or otherwise, who were summoned to parliament, served but as assistants to the greater barons, and without decisive voices. If this was the case, many of the lesser barons did wisely in resolving themselves into the commons, as they did in a few years after the period I am now describing. For in the state they were in by the great charter, they could not serve as barons without summonses, nor as commoners without giving up their ba-

ronial dignities. The reader is therefore carefully to remark, that, during this period (2), there were many baronies in England, the possessors of which were never summoned to parliament. This appears from the inquisitions after death that still remain in the tower. But, notwithstanding this, the possessors of those lands were still reputed barons. Nay, we find, so late as the fortieth year of Edward III, that some of those barons by tenure, but not by writ, had never submitted to mingle with the commons, but yet never were brought to parliament. It is true that, while the feudal tenures were in vigour, and while very little more than advice was sought by the king from his great barons, the latter in general thought their attendance troublesome. In like manner the commons, about this time, finding that their attendance was not only expensive, but ineffectual, the decisive voice being lodged in the great barons, sought to obtain of the crown a dispensation from their attendance, and to lodge their interests in the hands of some whose representation of them would at least save their rights from prescription. And here I think we may fairly fix the embryo of the judiciary power of the commons in parliament: for though what they in reality gained may seem nothing, yet, when we consider the foundation they have laid, it was of the utmost importance. But to proceed in our history.

Original of commons in parliament.

The committee of twenty-four now went on in their farther regulations, and, among others, came to the following resolutions, as we find them in the annals of Burton.

Be it ordained (3), that the twenty-four have ordained there may or shall be three parliaments in a year; the first, on the octaves, or eight days after St. Michael; the second, on the morrow after Candlemas-day; the third, on the first day of June, that is to wit, three weeks before St. John. To these three parliaments shall come all the chosen counsellors of the king, though they be not sent to, to provide for the state of the realm, and to treat of the common business of the realm, when need shall be, by the command of the king, or by his summons.

The committee of twenty-four appoint three parliaments in a year.

Be it remembered (4), that the commons or community have chosen twelve wise men to come to parliaments, and at other times when there shall be need, when the king or his council shall command or send to them, to treat of the business of the king and the realm; and that the commons or community will hold for established what the twelve shall do; and this shall be done to spare the cost or charges of the community: which twelve prodes homes, probi homines, or

The commons chuse twelve representatives.

(1) Reginaldus de Warrenâ rec. de 91. 10s. de militibus honoris de Wurmegai. In th. L. et Q. e. idem debet 10l. d. de novo feoffamento. Lib. Rubr. Scaccar.

(2) Sed villa Burford in comitat. Salop. reperitur per inquisitionem capt. anno 40. Edw. 3<sup>iii</sup>. teneri de rege ad inveniend. quinque homines pro exercitu Walliæ et per servitium baroniæ, dicunturque inde Domini ejus barones de Burford: sed tamen in parlamenta non prodeunt. Spelm. Glossar.

(3) Il fet a remeber que les 24. unt ordene ke treis parlemenz seint par an, le premerem as utaves de seint Michel; le secont le demein de la Chandeleur; le terz, le premer jor de June; ceo a sçaver treis semeins devant le seint John. A cez tres parlemenz, vendrunt les cunseillers le rei esluz tut ne scient il pas mandez purver le estat del reaume, et par treter les communes besoignes de reaume, quant mester ferra par le mandement de rei.

(4) Si fet remeber ke le commune Esclise 12 prodes hommes ke vendrunt a parlemenz, a autre fois quant mester ferra, quant rei, u sun cunseil les mandera par treter de besoignes le rei e del reaume, et ke le commun tendra pur estable ce ke 12 ferunt, et ceo ferra fet pur espanier le cust del commun.



A. D. 1258. viri prudentes, which the reader pleaseth, were these under-written, and entered according to this form.

ranks and degrees of men had made to stand by one another. It is as follows: A. D. 1258.

This the community of England did swear at Oxford.

"We such and such (2) make it known to all people, that we have sworn upon the holy gospels, and that we are obliged or bound together by that oath, and we promise in good faith, that every one of us, and all together, shall aid one another; and that we will do right to ourselves and ours, against all men, taking nothing, therefore, which can be so done without misdoing, saving the faith we owe to the king and the crown. And we promise, upon the same oath, that we will not take any thing from one another, either land or moveable (i. e. goods), whereby this oath may be disturbed, or any ways impaired; and if any man shall do contrary hereunto, we will hold him for our mortal enemy."

This is the oath of the twenty-four.

"Every (3) one swear upon the holy gospels, that, to the honour of God, and by keeping their faith to the king, and to the profit of the realm, he would ordain and treat with those that had sworn before (that is, the community) about the reformation and amendment of the state of the kingdom: and that he would not desist from that work for any gift, promise, love, or hate; nor for the power of any man, nor for gain or loss; but that he would loyally (that is, faithfully and justly) do according to the tenor of the king's letter, which he had granted and also made."

This the high-justice of England did or shall swear.

"He (4) swears or swore, that well and loyally, to his power, he would do what appertained to his office of justice, and do right to all men, to the advantage and good of the king and kingdom, according to the provisions made, and to be made, of the twenty-four, and of the council of the king and the great men of the land, who had sworn to aid and maintain him in these things."

This the chancellor of England did swear.

"That (5) he should seal no writs without the command of the king and his

These are the twelve (1) which are chosen by the barons to treat in the three parliaments in a year with the king's council for all the commons, or whole community of the land, upon common business, which twelve here do follow, as in the annals of the monastery of Burton: The bishop of London, the earl of Winchester, the earl of Hereford, Philip Basset, John de Baliol, John de Verdun, Roger de Gray, Roger de Sumery, Roger de Montalt, Hugh d'Espenser, Thomas de Gresley, Ægidius de Argenten.

The writers who are enemies to the antiquity of the commons sending representatives to parliament have observed, that all those were barons and great tenants in capite, and not one commoner, as now reputed, was among them: but that is an impertinent remark, and proves no more than that the constitution, in this respect, was not then so perfect as it is now. It proves, however, that the commons thereby gained more than a deliberative voice in parliament; and that the tenants in capite, who before had perhaps no decisive voice, by this election of the commons acquired one; and this, in effect, was gaining a very important point. To say that either the commons, or the tenants in capite, had this before, is, I think, speaking without warrant from history; since, if all these tenants had decisive voices, their numbers would have rendered those of the great barons very insignificant, as all tenants in capite, though not barons, had a right of being present at the great council, by virtue of the general summons by the county officers, though all barons had not, though they were tenants in capite, unless they parted with their baronial rights.

Besides those regulations, many others were made, most of them softening the rigour of the feudal law, and relating to the custody of wards, marriages and escheats, and other burdens introduced upon the subject by the Conqueror. All those regulations are to be found in the close and patent-rolls of this reign.

But it would be unpardonable in this history, if we should neglect to exhibit the ancient form of oaths made use of by the parties concerned in this important reformation. The first is the oath of the community, by which is meant, that association which all

(1) Ces sunt les duze ke sunt eslu par les baruns a treter a treis parlemenz par an, aveke le conseil le rei pur tut le commun de la terre de commun besoigne.

(2) Nus tels et tels fessum a faver a tute genz, ke nus avum jure sur seintes evangeles, e sumus tenu en semble par tel ferment, promettuns en bone fei, ke chescun de nus et tuz en semble nus entre eiderums enus, e les nos, cunter tute genz dreit feissant e rens pernant, ke nus ne purrum sanz mesfere. Salve a fei le rei e de le corune. E premettuns sur meme le ferment ke nus de nus rien ne prendre de tere, ne de moeble par oue cest ferment purra estre desturbe u en nul ren empyre. E si nul fet en cunter ceo, nus les tendrums a enemie mortel.

(3) Cheseun jura sur seintes evangeles, ke il al honur de deu, e al a fei de rei, e al profit del reaume, ordenera e tretera ovekes les avant dit jures, sur le reformement e le amendment del estat del reaume. E ke ne lerra pur dun, ne pur promesse, pur amur, ne pur hange, ne pur de nulli, ne pur gain, ne pur perte, ke leaument ne face solum la tenure de la letre ke le rei ad sur ceo donne, e sun fetz ensement.

(4) Il jure ke ben e leaument a sun poer fra ceo ke apent a la justierie de dreiture tenir a tute genz al prou le rei e del reaume, selum le purveyance fet et a fere par les vint et quatre, et par le conseil le rei, e les hanz humes de la terre, keli iurrunt en cestes choses a aider e a menteinir.

(5) Ke il ne enselera nul bref de curs sanz le mandement le rei, et de sun conseil ke serra present. Ne enseler d'un de grant garde ne de grant — ne de eschaetes sanz le assentement del grant conseil u de la greinure partie. Ne ke il ne enselera ren ke fait en contre le ordnement ke est fet, et serra a fere par les vint et quatre, upar le greinure partie. Ne ke il ne prendra nul loer autrement ke il nest divise as autres. E lemi li haudra un companiun en la furme ke la conseil purverra.



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“ council, that shall be present, except writs  
 “ of course; nor should seal the gift or grant  
 “ of a great ward or great -----, or of  
 “ escheats, without the assent of the great  
 “ council, or the greater part of them; nor  
 “ that he should seal any thing, contrary to  
 “ the ordinances then made, or to be made,  
 “ by the twenty-four, or the greater part  
 “ of them; nor that he should take any re-  
 “ ward, but what had been given to others;  
 “ and that if he took to him an assistant or  
 “ deputy, it should be according to a form  
 “ prescribed by the council.”

The castles are  
 surrendered to  
 the barons.

The commit-  
 tees share the  
 escheats and  
 church livings  
 among their  
 relations.

The surrender of the castles was the next business the committees went upon. This was a very shocking measure to all the court party, but chiefly to prince Edward, who, though he had sworn to the observation of the provisions, as they are called, did all he could to disconcert the schemes of the reformers. His opposition, however, was ineffectual, and the several great forts of the kingdom were disposed of, as the reader will find in the notes (1). But that which exasperated the young prince most of all, was his seeing his father now reduced to a mockery of state, and the prospect that nothing would descend to himself but a sceptre equally barren of honour or power. For the committees not only held daily sessions of parliament, but, under the sanction of their commissions, divided among themselves the spoils of the crown and kingdom; they shared the royal escheats and wardships, and bestowed upon their own relations and dependents all church-livings in the king's gift. To preserve some appearances, however, of moderation, they nominated twenty-four persons to treat of an aid to be given to the king, and the nomination fell upon the following members, viz. the bishop of Worcester, the bishop of London, the bishop of Salisbury, the earl of Leicester, the earl of Gloucester, the earl-mareschal, Peter of Savoy, the earl of Hereford, the earl of Almarle, the earl of Winchester, the earl of Oxford, John Fitz-geoffrey, John de Gray, John de Baliol, Roger Mortimer, Roger de Montalt, Roger de Sumery, Peter Montfort, Thomas de Gresley, Fulco de Kerdiston, Giles de Argenton, John Kyriel, Philip Basset, and Giles de Erdington; all earls and barons, or knights, and tenants in capite. But there is reason to believe, that the business of this committee came to nothing, and that

the barons laid hold of the opposition made by the king's brothers, as a pretence for putting off the aid.

Notwithstanding the disappointment both the king and the people had met with in the proceedings of the barons, yet we meet with one measure they now established, which seems to have been wise and popular. This was the appointing an inquest by four knights, by juries to be summoned by the sheriffs, to enquire into all excesses, transgressions, and injuries committed by justices, sheriffs, bailiffs, or any other subjects within the kingdom. Inquisitions were to be sealed by the seals of the jurors, who were to return and lodge the same, in their own person, to the king's council at Westminster, eight days after Michaelmas; and these four knights were to have their expences allowed them by their respective counties. But the truth is, this design seems to have had little effect, and to have been intended rather to amuse than benefit the people, since we find nothing undertaken in consequence of those returns.

They appoint  
 four knights  
 to enquire into  
 grievances.

But all this was not carried without a very warm opposition. The court party, even among the great barons, was very strong. At their head was Henry the eldest son of the king of the Romans, the earl of Warren, the elect bishop of Winchester, Geoffrey de Lusignan, and William de Valence, all of them, excepting the earl of Warren, nearly related to the king, or his queen. The article concerning the delivering up their castles stuck greatly with those foreigners, as they foresaw they must be then exposed to all the rage of the English, who had been long exasperated by their insolence. In the beginning of this session, they perhaps had some hopes of softening matters, by the elections of the committees falling pretty equally on both parties; but it was soon perceived, that the violent spirit of those who called themselves of the English interest, bore down all opposition; while several, who had been looked upon as in the king's interest, were now encouraged to declare for the other party: and thus there was a visible majority in all questions against the court. William de Valence, however, put himself at the head of the royal party, while Simon de Montfort acted for the other: both of them foreigners; both of them men of high passions, great parts, and greater ambition. In the debate, William de Valence, in the name of his

Foreigners  
 obliged to  
 surrender their  
 castles;

(1) Nicholas de Mel was commanded to deliver up the castle of Dover, with all the stores and ammunition thereof, to Richard de Gray. Hugh Manby was ordered to give up the castle of Northampton, with all the stores and ammunition of the same, to Radulph Basset. Elye de Raybane was ordered to give up Corf castle to Stephen Long-espec. Robert de Nevil was ordered to deliver the castle of Scardeburgh to Gilbert de Gaunt. William de Gray was commanded to deliver up the castle of Nottingham to William Bardolph. Henry de Penebug was ordered to give up the castle of Hereford to John de Gray. Robert de Paytenin was commanded to deliver the castle of Exeter to Henry de Tracy, with all stores and ammunition of the same. John de Vernon was ordered to deliver the castle of Sarum, with all stores and ammunition, to Robert Waller. Imbert Pugeis was ordered to deliver the tower of London, with all stores and ammunition, to Hugh de Bigod, justiciary of the said tower. Eleulo de Geneur was commanded to deliver the castle of Hadleigh, with the stores and ammunition, to Richard de la Rokele. James Savage was commanded to deliver up the castle of Winton, with all stores and ammunition, to William de Clare; but he dying, one John, a foreigner, appeared before the king and his council, and delivered the said castle into the king's hands; and the king, the same day, gave the command of it to Simon Montfort earl of Leicester, and commanded Thomas Don (constable of it) to deliver up the same to the said earl. Nicholas de Molis was ordered to deliver up the Cinque-ports to Richard de Gray; and the barons and good subjects of Sandwich, Hetha, Dover, Hasting and Romenal, were commanded to aid and assist him in guarding the said ports. William de Trumbleville was ordered to deliver the castle of Porcestre, with all stores and ammunition, to Roger de Saundford. Peter de Montfort was made governor of the castle of Bruges. John, the son of Bernard, was made governor of the castle of Oxford, which was delivered up to him by Mr. Walter Giffard; and Walter de Bruges was commanded to give up the castle of Sherburn to Stephen Longsword. Brady's Append. p. 217, 218, 219.

friends,



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friends, declared, that he would not part with his castles, or his wardships; but Montfort told him, in answer, That he should either part with them or his head. Tho' this boldness struck a damp into the party, yet it did not hinder Henry, who was son to the king of the Romans, from saying, That he could not take the oaths prescribed by the committees without consulting with his father. But Montfort told him, That if his father himself did not comply with the baronage of England, he should not hold one foot of land in the kingdom. The other members not only acquiesced in, but approved of, what Montfort said. And thus it was easy for the court party to foresee what they were to expect, since resistance or compliance might be equally fatal to them; they therefore chose the expedient of flight, and agreed to make Winchester the place of their rendezvous. This was put in practice during an adjournment of the meeting; and the English party were at dinner, when they heard that their adversaries had all of a sudden left the city.

and fly to Winchester;

As it was impossible for the barons to foresee what might be the consequence of this escape, and as it is very probable all the new-appointed governors had not yet entered upon their charges, the parliament was immediately adjourned, and the whole party flew to arms. The foreigners had by this time reached Winchester. Thither the barons pursued them; but finding them entirely disarmed, and unprovided with any thing that could give them apprehensions, they agreed to give them a safe conduct to London, and the parliament then renewed its session at Winchester. The first subject of their deliberations was, how to proceed against Henry's half brothers; and it was resolved, that all of them, but the elect of Winchester, whose character protected him, should be banished the kingdom. An order was quickly drawn up for that purpose, and intimated to the princes, who were then residing at the bishop of Winchester's house in Southwark; yet they were given to understand, that they might, if they pleased, have the benefit of a trial. But the prelate's name not being inserted in the order did not prevent his embracing voluntary banishment, as a state more eligible than the danger and envy he must be exposed to, when bereft of the support and assistance of his brothers and nearest relations; he therefore chose to attend them. The princes, finding no remedy, were put under the inspection of the earls of Hertford, Warren, and Albemarle, who had orders to conduct them to the sea-side, and to see them fairly shipped off for France. Before they departed, they affected an air of satisfaction and acquiescence in all that had been done; and, in testimony of their having no resentments, but those of gratitude and friendship, they invited many of the chief nobility to an entertainment; but, according to my authors, the illness and sudden deaths of many

to which place they are pursued. A parliament held there.

The king's half brothers are obliged to return to France.

of the guests soon after, made it strongly suspected that they had been poisoned by the revengeful foreigners, or their servants. What strengthened this suspicion was the illness of the earl of Gloucester, who had been one of the guests, and who soon after lost his hair and his nails, though the vigour of his constitution preserved his life.

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The earl of Gloucester poisoned.

The parliament still continued to sit at Winchester, and their next step was to secure the city of London in their interests. For this purpose a commission was given to the earl of Leicester, John Fitz-geoffrey, and others, to repair to London, and lay before the citizens an account of their conduct. The city had been too much provoked by Henry's measures, not to give their ready acquiescence and approbation of all they had done, especially after the commissioners had produced the charter sealed by the king himself and his son. But this was not all; for they agreed to stand by the barons to the last, and gave them a charter to that effect, under the common seal of the city.

The barons secure the city of London in their interest.

It was probably at this time that Henry discovered how much in his heart he trembled at the proceedings of his barons, especially of the earl of Leicester. For that nobleman lodging at Durham-house, while the king was surprized on the river Thames with a dreadful storm of thunder and lightning, the latter, who was naturally timorous, ordered his waiters to set him ashore at the first landing-place they could make, which happened to be Durham-stairs. The earl being informed of the king's landing, ran down to receive him, and found him under all the marks of perturbation at the danger he had just escaped. "Why should your majesty, said Montfort, be afraid, since the storm is now over?" Henry answered, with a serious look, "Montfort, I own I am greatly afraid of thunder and lightning; but, by the head of God, I fear thee more than all the thunder and lightning in nature." The earl answered this rebuke by saying, That it was both unjust and incredible that he should fear him, who had been always a firm friend to his crown and kingdom; and that he ought to fear only plunderers and lyars, for these were his real enemies. This incident gives us a lively picture of Henry's situation of mind at that time; for his uterine brothers and his queen's relations had now left England, and were but very indifferently received in France. It appears as if the barons had been afraid of their return; for the strictest orders were sent down to the sea-ports to prevent it. But their strongest apprehension appears to have proceeded from the bishop of Winchester. They knew the effect that his representations might have with the court of Rome, and therefore drew up a letter to the pope, very fully representing the reasons of their conduct, as the reader will see by the substance of it, which he will find in the notes (1). This letter was

The king's fright on the river Thames.

and his dread of the earl of Leicester.

The barons send a letter to the pope, excusing their conduct.

(1) "That though his holiness had lately sent Mr. Herlot, or Arlot, his subdeacon and notary, who had admonished and induced them to assist the king in the prosecution of the affair of Sicily, which he had undertaken without their advice and consent, nay, and against their wills; yet, out of reverence to him and the holy see, they thought fit to return this answer: That if, by their advice, the king would reform the kingdom, and his holiness would mitigate the conditions con-



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was sealed by eleven noblemen, eight of them of the committee of twenty-four, and three of them of the number chosen for the king's council; but, not thinking this bare remonstrance sufficient, four knights were sent as commissioners to the pope, with orders to counterwork the elect bishop and his brothers at that court, and to lay before the pope the whole extent of their crimes, the mention of which is shocking to humanity (1). This violent spirit in the barons determined Mr. Herlot, the pope's agent in England, prudently to withdraw from the kingdom till the storm was abated. But the barons still persisting, now obliged the king to issue fresh charters and declarations to all the clergy and laity throughout all the counties, not only of England, but of Ireland, confirming what he had done: a copy of that sent to Huntingdonshire is annexed in the notes (2), and translated from the original Saxon. The import of those charters has been greatly magnified by some of our English historians; but I conceive they give no farther sanction to the proceedings of the barons, than they had received from the charters at Oxford; the case being yet no way altered with the king. We must, however, observe, that the Saxon charter seems to be calculated for the inferior sort of

people, who still retained that language, though not in its purity.

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Llewellyn prince of Wales still continued to govern that country with great moderation, and sought to avoid all occasion of breaking with the English. Frequent meetings passed between both nations, and one was this year held at Emlyn, between Patrick de Canton, who appeared for Henry; and David brother to Llewellyn, who, with some of the chief nobility, acted for that prince. The English commissary, finding his attendants greatly superior to the Welsh, could not help gratifying the innate hatred subsisting between the two nations. He fell upon the Welsh, and destroyed many of them; but David and some of the chief men making their escape, alarmed the country, and the English commissary, with most of his men, were put to the sword. This, with former losses, exasperated Henry so much, that he would hear of no accommodation with Llewellyn, who earnestly desired one, and offered a handsome present to obtain it; but all in vain.

Canton; the English commissary, slain by the Welsh.

The beginning of the year 1259 was melancholy, both by famine at home, and ill success abroad. Manfred had now so entirely made himself master of all Apulia, that he was recognized by the nobility there,

Manfred recognized by the Apulians.

"tained in his bull of the grant of Sicily (since they were beyond the king's power to perform), that then, according to the terms of the said reformation and mitigation, they would effectually assist the king: But seeing that he had consented to chuse twelve, and the barons to chuse twelve others, by whom the reformation of the nation was to be made; and that he had named Adomar the bishop elect of Winchester, and his brothers, in the number of these twelve; and that they (but more especially the said elect) had solicited the king to break his oath, and go from the promises he had already made; and that he had nominated prince Edward, and some others of the nobility, against them, to the destruction of the kingdom, and the hindrance of the intended reformation, and this by false cavils and cunning insinuations: so that of this bishop elect it may be said, That this is the man who had troubled the land, and shaken the kingdoms: they therefore signified unto the pope, That the offences of those brethren were grown so great, as that the cry of the poor ascended to heaven against them; that their ministers and officers were rather to be called thieves and ruffians (who preyed upon the poor; ensnared the simple, encouraged the wicked, oppressed the innocent, triumphed in the worst actions, and rejoiced when they had done ill) than any thing else. Therefore the community aforesaid, considering that a common-weal was a body which grew up by divine beneficence, and that it was not expedient there should be any clashing among the members of the same body, they had caused the king to summon the said elect, and his brothers, as disturbers of the public peace, to answer their accusers, according to the laws and customs of the kingdom; yet so that, if they desired it, they might have leave to depart, who, rather than they would stand to or undergo the rigour of justice, went out of the nation; and therefore now they declared their intentions to hinder the said elect from returning again, who (they urged) was the chief cause of all this disturbance, and would certainly undo, if ever he returned, what they had taken so much pains happily to effect; since he and his brothers had already so far infatuated the king, and his son prince Edward, that not only their insolences remained unpunished, but (which was worse, and indeed terrible, to hear) if any man, being wronged by them, complained against them, the king, instead of punishing the offenders, as he ought to have done, rather took their parts; and defended them against the complainants; and, instead of an equal judge, shewed himself an adversary. So that they concluded with heaping more crimes upon the elect; as, that he had terribly violated the liberties of the church, imprisoned and wounded clerks, to the prejudice of the crown, which had the sole power of imprisoning. And therefore they beseech his holiness, by the fulness of his power, wholly to remove him from the administration of the church of Winchester (he having received it by the munificence of the apostolic see) lest worse things might happen, and they; his most devoted supplicants, should be forced to do it by other means; and further let him know for certain, that though the king and the greater men of the kingdom should consent to his return, yet the community thereof would by no means admit his entrance into it; therefore prayed that he might be removed without any scandal, seeing he was not a consecrated bishop." Tyrrel, vol. iii. p. 988.

(1) Among other instances we are informed, they told the pope the great injury they had done to Mr. Eustace of Len, the archbishop of Canterbury's official; for which all that abetted it were excommunicated through all the province of Canterbury, and at Oxford before the university: And they further told the pope, that one of the brothers, viz. Geoffrey of Lusignan, roasted the king's cook, and tortured him to death with exquisite torments.

(2) Henry, by the grace of God, king of England, lord of Ireland, duke of Normandy and of Aquitaine, and earl of Anjou, greeting, to all his faithful clerks and laics of Huntingdonshire.

"This know ye all well, That we will and grant that which our counsellors all; or the most part of them that be chosen by us, and the people (or commons) of our land, have done and shall do for the honour of God; and of their allegiance to us, for the benefit (or amendment) of the land, by the advice or consideration of our foresaid counsellors, be stedfast and performed in every thing for ever. And we command all our liege-people; in the fealty that they owe us, that they stedfastly hold, and swear to hold (or keep) and to defend (or maintain) the statutes (or provisions) which be made, and shall be made, by those aforesaid counsellors, or by the more part of them, also as it is before said; and that they each other assist the same to perform, according to that same oath against all men, both for to do and cause to be done; and none, neither of my land, neither from elsewhere, may for this be hindered; or damnified in any wise. And if any man or woman oppose them against, we will and command, that all our liege-people them hold for deadly enemies. And because we will that this be stedfast and lasting, we send you this writ open, signed with your seals, to be kept among you in store. Witness ourself at London, the 18th day of the month of October, in the two-and-fortieth year of our coronation; and this was done before our sworn counsellors; Boniface archbishop of Canterbury; Walter of Cantelow bishop of Worcester, Simon Montfort earl of Leicester, Richard of Clare earl of Gloucester and of Hertford, Roger Bigod earl of Norfolk and mareschal of England, Peter of Savoy, William of Fort earl of Albemarle, John of Plessey earl of Warwick, John Gefferisson, Peter of Montfort, Richard of Gray, Roger of Mortimer, James of Aldithly, and before others moe."



A. D. 1259. who put him in possession of their chief forts, and treated the interposition of the pope in his favour with great contempt. This state of affairs seems to have left no room for Henry farther to pursue so destructive a project; he had therefore the more leisure to attend to the intrigues carried on for overthrowing the schemes of the barons. New negotiations had been entered into between the courts of France and Scotland with that of England; the pope interposed strenuously for continuing the good understanding with France, and a plan of a treaty was drawn for that purpose. Henry, on the other hand, did all he could to engage the government of Scotland in his interest. A commission had been made out for the earl of Leicester and John Mansel, to labour for restoring the peace of that kingdom; and great care was taken to satisfy Alexander for all the arrears of his wife's portion.

Rymer, vol. i.  
p. 668, 671.

But the great interest which the king of the Romans had in the kingdom, would not suffer him to be an silent spectator of the late fundamental alteration of the English monarchy and constitution. He declared his intentions of speedily visiting the kingdom of England, and loudly disclaimed all that had been done on the part of the barons. Had not Henry been so thoroughly as he was under the direction of his own subjects, this prince's resentment might have overturned all their schemes: for the parliament hearing of his intentions, and dreading the effects not only of his interest, but of their own divisions, should he land, the first thing they did this year was, to enter into serious deliberations how to divert him from his purpose. The bishop of Worcester, John Mansel, and other commissioners, were ordered to treat with him, and to learn all they could, both concerning the motives of his journey, and the time of his abode. They were likewise instructed, at all events, to declare, that he could not be admitted into the kingdom of England without previously joining with the new model of government, and taking an oath to that effect. The king of the Romans was enraged to the last degree at those propositions, and swore by the throat of God he never would comply with them. Not long after, however, he received advice, that all precautions had been taken in England, by raising troops, and fitting out a fleet, to oppose his landing. This determined him to comply with the request of the barons; and the king himself writing a letter to that effect, made him sensible that his opposition would be useless. That this letter was extorted, there is little reason to doubt; for, in a postscript, the king of the Romans is enjoined by Henry not to attempt to bring any of his brothers into England.

Rymer, vol. i.  
p. 672.

It was the 27th day of January before he landed, with his queen and his son Edmund, with a very slight retinue, at Dover. The jealous barons affected to treat him with very little regard. He was not only refused admittance into the castle of Dover; but Henry, when he met him at Canterbury, was

instructed to call upon him by the plain title of the earl of Cornwall to take the oath required, which was very strict, and in the following terms, viz. "Hear ye all people, that I Richard earl of Cornwall do here swear upon the holy gospels, that I will be faithful and diligent, together with you the barons, to reform the kingdom of England, hitherto too much out of order by the counsel of evil men; and I will be your effectual helper to expel all the rebels and disturbers of the same kingdom; and will observe this oath inviolably, under pain of losing all the lands I have in England." I have just mentioned that a treaty was now on foot with France; the plenipotentiaries appointed to manage it were the earl of Leicester and the earl marshal, with the bishops of Worcester and Lincoln; but the three last returning, the whole was left to the earl of Leicester, who, after the affairs had met with several traverses, agreed on the terms of a treaty, which he now brought over to England, to be ratified by the new government. This was no hard matter to effect; for the barons were too intent on establishing their own power, to venture a breach with France; and though the terms fell far short of what Henry's demands had been, yet they were ratified by parliament, on Valentine's-day this year. But whether such amendments were made to the treaty by the parliament as displeased either of the princes, or whatever was the cause, it is certain that the ratification met with great obstacles at the court of France. The most probable opinion is, that this interruption was occasioned by the caution of that court, who insisted upon a renunciation not only from Henry himself, but from his son, and all his family, of Normandy and the other places specified in the treaty. The difficulties attending this seem not to have been foreseen by the parliament, when, soon after they had ratified the treaty, they appointed the earls of Gloucester and Leicester, John Mansel, Peter of Savoy, and Robert Walerand, as plenipotentiaries at the court of France on their part, and that of the king, with full powers to determine all differences between the two nations. Nothing could be more impolitical than to join a man of Montfort's principles in this commission. It soon appeared that his views lay much deeper than the immediate redress of grievances upon the foot of the Oxford constitutions; for though he accepted of the commission of carrying over Henry's renunciation to the court of France, yet he flatly denied to renounce for himself, or his heirs. This gave the earl of Gloucester and the other barons the first hint of that latent ambition which afterwards so dangerously distinguished him. As he was married to Henry's sister, it was easy to foresee that he aimed at no less than the succession itself; since, if he really wished for the good and quiet of his country, there could be no reason for his refusing to renounce that to which he had so distant a claim, after those who were in the immediate possession had set him the example.

A. D. 1259.

The court of France insist upon an absolute renunciation.

But



A. D. 1259.

Montfort's  
ambition and  
policy.

But this was not all; Montfort was possessed of vast interests in France, especially in the contested countries: if therefore all the royal family, excepting his wife, had actually renounced their claims to those countries, he was undoubtedly next claimant in right of blood. And where an ambition, supported with so much interest and abilities as he had, might terminate, was hard to say. In short, the plenipotentiaries were so divided upon this point, that it was found absolutely necessary for Henry himself and his family to make a tour to France. With this view he took a solemn leave, as usual, of the citizens of London; and, to quiet the minds of his people before his departure, he joined in excommunication against all who should infringe the provisions of Oxford during his absence.

Henry goes to  
France.Difficulties at-  
tending the  
treaty with  
France.

Upon his arrival in France, he sent the bishop of London to Paris, to feel how the pulse of that court beat towards the execution of the treaty; and, if he found it backward, to declare the negotiation at an end, and to make a new demand of the places in dispute. The court of France, very properly I think, objected to Henry's not being able to make good the tenth article of the treaty, by which he engages to oblige his sister the countess of Leicester to renounce for herself and heirs. This was attended by farther difficulties, since it was natural for prince Edward and the king of the Romans to object, that their renouncing would be ineffectual, and serve only to bar their own claims in favour of the Montfort family, unless the latter should renounce likewise. Leicester was at this time actually in France, and still peremptory in his refusal. It is indeed true that the princes Edward and Edmund had renounced when the treaty was ratified by the king and parliament at Westminster; but this was only conditionally, and if the terms of the treaty were fulfilled.

Matters between the courts of France and England were now at a stand, and it was, according to some of our historians, found expedient, that Henry should, as a peer of France, repair to the French parliament, then sitting at Abbeville. Here he found, that the tenderneſs of Lewis, with regard to his keeping poſſeſſion of Normandy and the diſputed provinces, had been in a great meaſure removed, by a new plea urged againſt Henry's claim, as if the original poſſeſſion of thoſe provinces in his family had been owing to the violence and injuſtice of Rollo, the firſt of the race. But though it is very probable that the French court ſtarted ſuch an objection, I find no good authority for believing that Henry was in perſon at Abbeville. But be that as it will, it is certain that he was obliged to give ſecurity under his hand, to keep the court of France quit of all claims which might be entered by the

counteſs of Leiceſter. Upon which the peace was finally agreed upon, according to the French hiſtorians, who differ in little or nothing from what we find in our public acts, on the following terms, which were, in effect, the ſame that had been before ratified by the parliament of England: That the king of France ſhould yield to the king of England Limoſin, Quercy, and Perrigord; ſaving to himſelf the homage of thoſe lands which the princes his brothers might claim in theſe three provinces, and divesting the king of England of the ſame. That the king of France ſhould likewiſe deliver up Agen and Agenois, which the count of Poictiers then held in chief by his counteſs Jean, heiress to the count of Tholouſe, in caſe, by the death of the ſaid count and his lady, the ſame lands ſhould return to him or his ſucceſſors: but in caſe the ſaid lands did not return to him, or his heirs, the king of France obliged himſelf, and his ſucceſſors, to yield the homage thereof to the king of England; excepting the homage of the princes his brothers, if they held any poſſeſſions therein: but all upon ſuppoſition that the king of England can prove, before arbiters choſen by both parties, the rights which he pretends to have to the ſaid eſtates. They made the ſame regulations with reſpect to ſome lands in Quercy. The like conceſſions were made with regard to part of Xaintongue on the other ſide the Charente, which the count of Poictiers ſhould likewiſe poſſeſs, and ſhould hold during life. That the king of England ſhould hold of the crown of France not only all the territories yielded to him, but actually all that he poſſeſſed on this ſide of the ſea, that is, Bourdeaux, Bayonne, and all the reſt of Gaſcony, with the iſles; and ſhould do homage for the ſame, as a peer of France, and that with the title of the duke of Guienne, and ſhould actually fulfil all the duties of a vaſſal. With regard to the homage of the counts of Bigorre, Armagnac, and Feſanſac, the ſame ſhould be determined by arbiters. That the king of England ſhould not be moleſted in any reſpect for what is paſt, for being deficient in doing homage, in performing his ſervices, and paying certain duties, and ſuch like exactions. That the king of France ſhould give to the king of England a certain ſum for the maintenance of five hundred knights for two years, which was afterwards valued to one hundred and thirty four thouſand pounds. And for all theſe advantages which the king of France had granted to the king of England, the latter, and prince Edward his eldeſt ſon, ſhould renounce all the right they had to the duchy of Normandy, and upon the earldoms of Anjou, Maine, Touraine, Poictou, and to all the other lands they poſſeſſ'd on this ſide of the ſea, excepting the lands ſpecified in the other articles (1).

A. D. 1259.

Articles of it.

(1) Upon theſe articles, ſays Speed, the king acquitted, and for ever renounced, all his challenge to Normandy and the other lands; and thenceforth abridged his ſtile, and changed his ſeal, uſing a ſcepter in place of a ſword; whereon theſe monkish and mockiſh verſes were written:

Est M c c l i x. utinam concordia felix,  
Andegavis, Piclaviv, Neultrix, gente reliqua  
Anglorum, dantur tibi, France, sigilla novantur,  
Nominata tolluntur, fugit ensis, sceptrum geruntur.

" M c c l i x. God grant firm peace thou fix,  
" Poictou, Anjou, Normans, to France range you;  
" New seals are made, old stiles forsaken,  
" Down laid the blade, scepters uptaken."

Speed's Hist. fol. 621.



A. D. 1259.

Matthew Paris  
dies.This treaty  
exclaimed a-  
gainst by the  
subjects of  
both nations.The intrigues  
of the earls of  
Leicester and  
Glocester.Henry's jea-  
lousies and  
suspicious.Rymer, vol. i.  
p. 701.

Ibid.

This is all the imperfect account we can give of this negociation; for here the excellent Matthew Paris breaks off his history, which is continued by Rischanger, a far inferior hand. Hence it is that we are at a loss to know in what manner the earl of Leicester, who still continued with violent resentments in France, was reconciled to this measure. We are certain, however, that the peace was exclaimed against equally by the subjects of both nations; by the French, because their king had given up so large a portion of his kingdom; and by the English, for Henry's absolutely renouncing his heritage for mercenary considerations. The negociation, however, seems to have been facilitated by the increasing heats between the earls of Leicester and Glocester; and the former, in the course of his opposition, had the address to gain prince Edward over to his opinion. This obliged his antagonist to strengthen himself, by making a strong personal interest with Henry, who was at Paris, at the end of this year 1259, putting the last hand to the execution of the treaty, and having neither the spirit nor the abilities to prosecute his right.

The rival earls were all this while prosecuting their intrigues; the one relying on the protection of the king, the other on the prince. The earl of Glocester had been thoroughly exasperated against all foreigners, ever since his narrow escape by poison; for which one Walter Scoteney, an officer of his own, was this year executed at Winchester: he therefore laboured to fill Henry's mind with the most terrible apprehensions, as if there had been a secret correspondence between prince Edward, the earl of Leicester, and his own half brothers, who had been banished the kingdom, with an intention to employ a foreign force, and to place the prince upon the throne of England. Henry had by this time finished all matters at the French court, having performed his homage, and set out for Dover; but, upon the road, he was so struck with the apprehension of his being imprisoned, or dethroned, upon his return, that he sent letters to the king of the Romans, conjuring him to have a watchful eye upon his ports of Cornwall, he having certain information that an invasion would be attempted there. He intimated the like to the king of France, requesting him to give orders to the duke of Brittany not to suffer his brothers, or their forces, to pass through any part of his territories. He hinted to him at the same time, that he had strong reasons to suspect the designs of the earl of Leicester, who had lately shipped for England a great number of horses and arms, under a French passport. In short, so thoroughly was this weak prince prepossessed, that he was levying men for the safety of his person, when he received an answer to his letter from the king of the Romans, with the seals annexed of prince Edward and the other noblemen in parliament assembled. In this letter he received the strongest assurances of their attachment to his person and family, and that he might return in perfect safety. This assured Henry so much, that, dismissing the

forces he had raised, all but three hundred horsemen, he took shipping, and landed at Dover, the latter-end of April 1260, leaving behind him his daughter Beatrix, who had been married, while he was at Paris, to John, the heir apparent of the duke of Brittany, who was to have with her in portion the honour of Richmond in England.

But though Henry was received in his regal dominions, by the princes of the blood, and all his great subjects, with the highest demonstrations of affection; yet he wore in his looks and manner a visible reserve towards those whom he had most caressed before. It was not long before prince Edward found that the earl of Glocester had the principal hand in this, and matters went to a height little short of civil war. When Henry came to London, he shut himself up as if he had been in a citadel, and not in the capital of his kingdom: the gates were shut, the streets were guarded; and, had it not been for the interposition of the earl of Cornwall, who seemed to be entirely neutral, matters must have come to extremity. At last, Henry being persuaded to repair to Westminster, a parliament was summoned to meet at London. Here the charge against prince Edward was mentioned, and the prince warmly insisted on having it tried before his uncle and his father (the other earls and barons, as he alledged, not being his peers.) A trial accordingly went on, in which the charge against the prince appeared false and malicious; and he acquitted himself so entirely, as to be reconciled to all the court and the nobility, excepting the Glocester faction.

The earl of Glocester failing in this attempt, next attacked the earl of Leicester; but found that nobleman's party so strong, and himself so full of confidence, that he dropped the prosecution. These divisions answered Henry's views, as it broke the strength of the barons. But his chief encouragement arose from the spirit of the common people and free tenants, who complained that the yoke of the barons was as intolerable as that of the king had been. Henry, therefore, from this time put on a secret resolution to take the first opportunity of emancipating himself from the provisions of Oxford.

The late rumours of an invasion and revolution gave him a plausible pretence for strengthening his title to the crown, by demanding fresh engagements from his subjects. Accordingly a folk-mote (which is an assembly in a collective capacity) of the citizens of London was this year assembled at St. Paul's Cross, before Henry, the king of the Romans, and many other noblemen. An oath was required from this assembly, of all males, above the age of twelve, to be faithful to the king and his heir; but without specifying his person. This is, I think, an evidence that Henry, in his heart, still harboured suspicions of prince Edward. The oath, however, was taken before the alderman of the respective wards, and probably went to other parts of the kingdom. But soon after the nation lost an useful friend, by the departure of the king of the Romans,

whose

A. D. 1260.

Henry shuts  
himself up in  
London.Prince Ed-  
ward acquit-  
ted.The citizens  
of London, all  
above twelve  
years of age,  
swear allegi-  
ance to Henry.The king of  
the Romans  
goes to Italy.



A. D. 1260. whose moderation was conspicuous at this critical juncture. He was now obliged, with his queen, to set out for Italy, to prosecute his claim, which was daily meeting with unfurmountable difficulties.

The Welsh rebel.

Rymer, vol. i. p. 705, 706.

Sir Roger Mortimer acquitted.

The plan of the Oxford provisions, however, still took place; and about the beginning of October, this year, another parliament was held at London. There several great officers were appointed in room of those who had either resigned, or had been preferred, or died. But we are next to attend the martial operations of this year, then almost at an end: for prince Llewellyn, upon some provocation, had attacked the castle of Buelht, belonging to Sir Roger Mortimer, under prince Edward, and had taken it. Some imputations being thrown out against Sir Roger's conduct, made it necessary to enquire into the causes of this loss. Accordingly he was summoned before the council, where he was acquitted of all imputations to his prejudice, though very much to the dissatisfaction of the prince. The Welsh, however, being animated, marched forward to the castle of Kenet; they took it without opposition, and put the garrison to the sword. Henry, hearing of those proceedings, summoned all his military tenants, on the 1st of August, to Salisbury and Chester, from thence to march against the Welsh rebels. At the same time they were threatened with ecclesiastical censures, for having so treacherously broken the peace which had been just sworn to by the bishop of Bangor on the part of Llewellyn. The English army being assembled, the command of it was given to the earl of Leicester; but it was either too far in the year for that nobleman to do any thing against the enemy, or else he had secret reasons for not attacking them. For the Welsh over-run South Wales, and extended their conquests all about Brecknock: the earl, therefore, thought proper to advise his court to a truce with Llewellyn. Accordingly commissioners were appointed to treat with that prince. But it is remarkable, that two sets of commissions were issued, to the same effect, and in the same words, only that one of them omitted the mention of prince Edward, who in the other commission is named, immediately after his father, as a party who is to contract in the peace; an evidence that Henry was very irresolute still, with regard to the sentiments he ought to entertain of his son's conduct.

Rymer.

The king knights the duke of Brittany.

The king's son-in-law, John of Brittany, was this year knighted at London; and soon after that solemnity was over, prince Edward went over to France, where he proposed to celebrate a tournament. We likewise find that the king of the Scots, with his queen, Henry's beloved daughter, this autumn paid a visit to the court of England. Their reception was very magnificent; and the Scot, who had never yet lost sight of the family-claim of Cumberland and Westmoreland, not only demanded those countries, but all the arrears due of his wife's fortune. What satisfaction he got, as to this demand, is a secret. We know, however, that the

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queen of the Scots was big with child at the court of England; and that excessive preparations were made for her being brought to bed, which she was in the beginning of next year.

A. D. 1261.

The pope favours Henry.

Though Henry, all this while, seemed entirely given up to the entertainments and diversions of his court, yet he was still carrying on a dangerous, yet delusive, negotiation with the court of Rome. Though, perhaps, it was very indifferent to that court whether the supreme power was lodged in the king or his barons, yet the latter having commanded all religious houses to have no regard for the orders of the Romish see, the pope had absolutely determined himself in favour of Henry. Perhaps this, coming to the ears of the barons, was the reason of their proceeding with still greater severity against the Italians settled in England; for we find that they had settled receivers for their rents, and their farmers were ordered to pay none but into the hands of those receivers, under the penalty of having their houses and effects burnt down, and the same corporal punishment inflicted upon them which was designed for the Italians themselves.

It was no wonder if this rigour determined pope Alexander to listen to the secret applications of Henry, for releasing him from his obligations to the Oxford provisions; but before the dispensation could be made out in form, that pope died, and was succeeded by Urban. It was the beginning of the year 1261 before the dispensation arrived, and the king had just finished the holidays at Windsor, where he was attended not as usual, by his barons, but his own family and favourites. About the beginning of February the dispensation came, at a time very favourable to Henry's wishes. The divisions among the barons, the absence of his son, and the growing discontents among the people, encouraged him to throw off the mask; while the death of the bishop of Winchester at Paris, after receiving consecration from the pope into that see, removed from both Henry and his people all apprehensions from the turbulence of his spirit. But not being perfectly secure of his people's, and less of his parliament's, dispositions, he represented to the king of France how necessary it was to support the majesty of all crowned heads in his person; and to his son, the glorious struggle he was about to make for that independency of the crown which was to descend to him. About the beginning of March, therefore, a parliament was summoned to meet at London; and as the king's intentions were now no secret, each party mustered its forces to make good its own interest: but the Londoners, who still lived in a state of guarded suspense, refused to admit either within their walls.

Henry obtains a dispensation of his oath from the pope.

When the day of meeting was come, Henry, in a set speech, told his parliament, That he had indeed been forced to submit to the provisions of Oxford, and to the acts subsequent thereto, so dishonourable to his crown and dignity; but that even the terms on which he had submitted had not been

Declares his intentions to the parliament.



A. D. 1261.

complied with; that his revenues remained still unincreased, his debts unpaid, and the affair of Sicily unprovided for. He put them in mind, that those were the terms of his compliance; and appealed to them whether he was not then in a worse condition, in all those respects, than he was when those terms were extorted from him, though, by putting himself in the hands of the faction, he had rendered himself more their slave than their king. He concluded by observing, that for those reasons the assembly could not be surprized if he had sought for redress and absolution from his engagements at another tribunal. We are ignorant of the reception which so surprizing a declaration met with from the assembly; it is, however, certain, that Henry found means to throw himself into the tower of London, where the treasure of the barons lay, which he seized upon, and applied towards repairing and strengthening that important fortress. Henry now had more experience, if not more wisdom; he knew that the people had no faith in his honour; he therefore issued a manifesto, directed to all the sheriffs throughout England, reciting the motives of his conduct, and disclaiming all intention of burthening the subjects with new taxes; with orders to seize and imprison all who should be found propagating such calumnies.

Makes Philip  
Basset chief  
justiciary,

This manifesto had a surprizing effect. The barons were disconcerted, therefore weak; and the king, leaving the tower of London in proper hands, went to Winchester, where, in contempt of the barons and the provisions of Oxford, he appointed Philip Basset to be chief justiciary. From thence he made a progress through the Cinque-ports, and deprived Hugh Bigod of the command of Dover castle, which he had the foregoing year arbitrarily assumed. He next exacted an oath of fidelity from all the barons of the other Cinque-ports; while the barons, disconcerted and amazed, made no efforts to oppose his progress, which seemed to threaten the destruction of all they had been doing.

His son stands  
by the barons.

Prince Edward continued all this time beyond sea; and, as his friendship was of great importance, his father attempted to get him over to his party, by sending him the bull of absolution from the oath he had taken: but the prince being, it seems, under engagements with the barons, refused to accept it, or even to return to England.

Henry, having secured the possession of the Cinque-ports, returned to London, without meeting with any obstacle on the part of the barons, who had resolved at first to proceed by petition. The substance of it was, humbly entreating him to observe his oath, and to inform them whether he took any thing amiss, that they might assiduously apply to rectify it. Henry, exulting in his late success, treated this petition very haughtily: he told the barons, That they had not kept by their engagements, neither would he by his. But as both parties were as yet in suspense as to the part which prince Edward, who remained still abroad, would take

in this difference, neither of them came to extremities. A. D. 1261.

It appears as if Henry's late jealousy of his son had a very bad effect upon the prince; for, hearing how matters were going in his absence, he now returned into England with a body of foreign mercenaries, and took possession of the castle of Windsor. He was attended by William of Valence, the same who had fled upon the establishment of the Oxford provisions. But it was with some difficulty the prince could procure the re-admission of that nobleman into the kingdom, and not before he had sworn to the provisions of Oxford. Henry, all this time, remained strongly fortified in the tower of London, where his situation was so advantageous, as to leave him at liberty, upon occasion, to repair to any other part of the kingdom when he pleased. Winchester was his other chief reliance; but he was surprized when he understood that prince Edward had not only declared in favour of the barons, but that the differences between the earls of Gloucester and Leicester had been made up. Notwithstanding this, he still kept up a shew of resolution: he openly proclaimed the pope's absolution from all his engagements with the barons; he displaced the great officers, both of state and justice, which had been appointed by them; he nominated others in their stead; and issued letters, requiring the people to accept the sheriffs he had named, and to return to their former loyalty. In the same letters he made a kind of recapitulation of what had passed between him and the barons, and mentioned the absolution from his engagements, which he had got from two popes: but, to convince them that he was in no humour to renew his former oppressions, he promises faithfully to observe the great charter, with the charter of the forests, which he ordered to be proclaimed all over the kingdom.

and retires to  
the tower of  
London.

But those measures were not so successful as they were vigorous. The king's itinerant justices met with but little respect in most places of the kingdom; and the sheriffs appointed, instead of those nominated by the barons, were generally resisted in the execution of their offices. Add to all this, that the barons had by this time actually put themselves in arms, and obliged the king to retreat with precipitation from Winchester to the tower of London. Here he received assurances of assistance from the court of France; and we are told, that a body of troops actually arrived, under the command of the earl of St. Paul and Gerard de Rhodes, who received an advance of forty days pay for themselves and their troops: but this reinforcement was not able to bring Henry to the field. The barons now triumphed in their turn: they recovered the command of the Cinque-ports, and thereby effectually deprived Henry of any farther assistance from France. They then securely marched for London, where Henry still remained in the tower; and, after summoning a parliament, were making the most proper dispositions for obliging

The barons  
take arms,

and secure the  
Cinque-ports.



A. D. 1262.

obliging him to compliance with their demands. But Henry's situation in the tower was too advantageous for him to be so easily reduced. It was now the beginning of November, and the barons began to find it difficult to keep their troops together. A kind of a cessation was mutually agreed upon, by the mediation of the queen, and other great personages, zealous for public peace; and both parties remained in the same state they were then in, each at liberty, without coming to hostilities, to make as many friends as they could against the next season of action.

State of parties in England in 1262.

Agreement between Henry and the barons. [Chron. Tho. Wykes.] He confirms some of the Oxford provisions.

Tyrrel.

Such was the unhappy state of affairs at the beginning of the year 1262. Henry found himself supported by the pope, befriended by his brother the king of the Romans, and not opposed by his son; while the common people, in general, inclined to his interest. The barons, on the other hand, having their strength to draw from different quarters, found themselves under vast disadvantages, at least, till the season for action returned. The king was making a daily progress in the affections of his subjects, and by the divisions of the barons. All this determined the most disinterested among them, who were the majority, notwithstanding all the opposition of Leicester, to listen to proposals for an accommodation. Many meetings were held by both parties, and many debates passed, in which the king of the Romans managed for Henry, and the earl of Gloucester for the barons. These conferences were insensibly prolonged till fifteen days after Easter, both parties discovering fresh aversion from taking the field. At last it was proposed and agreed to, That the king should confirm some of the Oxford propositions, and that they should give up others, and the greatest part. It was farther agreed, That four persons should be named in each county by the barons, as being proper for sheriffs; and that their names being given in to the king of the Romans, for him to nominate one of them for that office, who was to serve to the next Michaelmas ensuing; and that the king was, from that time, to name any person for sheriff whom he pleased. As it cannot be denied but that several of the Oxford constitutions were much in favour of public liberty, however destructive most of them were to the spirit of this constitution, we may pronounce this to have been an equitable agreement; but all the hopes of the good arising from it were blasted by the haughty earl of Leicester. He had always remonstrated against this agreement; but finding his opposition in vain, he left England at this time, and retired to France. Our historians have left us in the dark as to the particular articles of the Oxford provisions, which were to be confirmed or cancelled by this agreement; but we are told by two ancient manuscripts (the one in Bennet's college library in Cambridge, and the other in the Bodleian in Oxford) that those statutes chiefly related to those suits of courts, and distresses made by tenants in capite, and other lords of manors, upon the under tenants; which being very much for the benefit both

of the lords and tenants, were some years after again confirmed by the king, and inserted word for word in the statutes of Marlebridge.

A. D. 1263.

The barons, or the majority of them, agreeing to those regulations, disabled the earl of Leicester from making any head against Henry this year, which gave the king of the Romans an opportunity of returning to Germany before autumn, and left Henry and his queen at liberty to pass over to their dominions in France about the same time. There he fell violently ill of a quartan ague, which delaying his return, gave Leicester encouragement and leisure to pursue his plan of opposition. For that turbulent nobleman had, upon his retiring from England, applied either in person, or by his agents, to the new pope, who, if we may believe the book of St. Augustine, was venal enough to recall the absolution he had given to Henry from observing the provisions of Oxford. A parliament was holding at London when he landed in England, which was towards the beginning of October; and Basslet, the king's justiciary, presided in it, as being one of the regents. In the intermediate time the old earl of Gloucester died; but so zealous was he for the constitutions of Oxford, that, on his deathbed he made his son swear he would never depart from observing and enforcing them. This was a favourable incident for Leicester; he appeared in the assembly with great assurance, and, according to my authority, he produced the order of revocation from the see of Rome. It was in vain for the high justiciary to oppose its being read: Montfort's vast interest bore down all opposition, but we do not meet with any great effects it immediately produced; for Leicester soon after returned to the continent. But Henry being recovered from his distemper, came back to England, and this year they seem to have kept their Christmas at Canterbury. By this time the young earl of Gloucester had joined the party of the barons, and was upon so good terms with Leicester, that they now thought themselves a match for all Henry's interest. They again urged the observation of all the Oxford provisions, which was as loudly refused by Henry and his party, who was supported by his brother, now returned to England, and his son prince Edward. These very properly insisted upon the compromise which had been made the year before; and Henry went so far as to issue his writs, commanding that thenceforth they should be no longer observed throughout this kingdom. We meet with nothing in our historians which countenances the story of Leicester's having procured a revocation of Henry's absolution upon this occasion; for we meet with no declarations to that effect. All we know is, that they proceeded by petition that Henry would observe the provisions, which he peremptorily refused to do.

Henry goes to France,

where he falls sick.

The earl of Gloucester dies.

Henry issues out writs, forbidding the observation of the Oxford provisions.

The progress of the Welsh.

While those transactions were passing, the Welsh were making a terrible progress, on the confidence that the divisions of England would prevent all opposition. Roger Mortimer, indeed, after his late defeat, had called in



A. D. 1263.

in the lords marchers to his assistance, and cut in pieces a body of four or five hundred of the enemy, who soon were revenged, not only by killing a like number of the English, but by making a powerful party with the barons upon their borders, who adhered to the Oxford provisions, and all together fell upon the earldom of Chester, belonging to prince Edward. There they took the castle of Dyserth, and Tyganwy; the last one of the strongest on the marches. This obliged the prince to take the field, at the head of the foreigners he had brought over; but it was too late for him to prevent a prodigious ravage of the Welsh, who wisely retiring to their fastnesses about Snowden, disappointed all his aims, and obliged him to agree to an inglorious truce.

Henry's ministry at this time.

The king was at this time entirely in the hands of John Mansel, an able, though a dangerous, minister, and one Walerand, a Fleming, to whom he had given the custody of Dover, and its castle, with the wardenship of all the Cinque-ports. This profusion of favour to an unmeriting foreigner once more alarmed the barons, who made it a handle against Henry, as if, notwithstanding all his late declarations, he was resolved to continue their chief grievance, by encouraging foreigners. Another incident happened at this time, which was highly detrimental to Henry. The ravages of prince Edward's estates had disabled him from paying his foreign mercenaries. They had lately performed a piece of service to the crown, by securing the inhabitants and barons of the Cinque-ports, who were wavering in their fidelity; but being still destitute of money, upon his return from thence he marched to London, where he broke violently into the treasury of the knights-templars, and carried away to Windsor castle ten thousand pounds belonging to different noblemen, and other proprietors. This raised him a storm of envy, as the money had been lodged there, upon the faith of that treasury being an inviolable sanctuary to the effects of both parties. Those proceedings again turned the scale of public affections, which a little while before inclined to Henry, who, though he disapproved of what his son had done, was obliged to keep himself within the tower of London.

Prince Edward seizes upon the treasury of the knights-templars.

The city of London, however, remained attached to the barons; and at Whitsuntide, in pursuance of the powers vested in them by the Oxford provisions, a parliament, or rather a great assembly of nobility and others, was held at London. Here the king and the prince were declared guilty of perjury; manifestos were issued for raising forces; all who refused to join them were to be treated as enemies, and the earl of Leicester was named to command in chief. The woful experience of civil calamity had instructed the more experienced part of the nation what they might expect from those proceedings: they saw the king needy, destitute, and ill-adviced; the barons bold, determined, and powerful. Some therefore, to prevent their own destruction, and others that they might be serviceable in making matters up, at this

The barons declare Henry and prince Edward guilty of perjury,

time joined with the barons. But the leaders of the latter, finding, from the pulse of the nation, but more especially the city of London, that it would be absolutely necessary to avoid, as much as possible, the imputation of rebellion, and to shelter themselves under the name of constitutional resistance, first sent a petition to the king, desiring him to observe the Oxford provisions, and defying all who opposed him (the royal family alone excepted). The last circumstance, with the other instances I have given, is a proof how sacred hereditary right continued still to be held, amidst all the rage of civil combustion. This petition being unsuccessful, the barons immediately took the field; and to make their cause the more popular, their first fury was spent upon the estates and persons of foreigners. First, Peter Egueblank, bishop of Hereford, was seized by Roger de Clifford, Roger Leyburn, and some of the most active barons in those parts. They next took Gloucester, Worcester, and Bridgenorth; and then marching to Bristol, made themselves masters of that city, though the castle still held out for the king; and then directed their march towards Windsor, which they intended to besiege.

A. D. 1263.

and distress all foreigners.

The king of the Romans, all this time, was acting the part of a good patriot. He had declared himself for neither party, thinking, perhaps, that both were in the wrong. He had naturally an aversion to Mansel and the other ministers, and therefore his chief aim seems to have been to rescue his brother out of the hands of foreign and wicked counsellors. When the barons first took the field, he followed them from Chippenham to Walingford, where he had a conference with them, and wrote to his brother, earnestly begging him to forbear entering into any hostilities till he heard farther from him, and prevailed with the barons to desist from the same on their part. A plan of accommodation accordingly was drawn out, and sent by the bishop of Winchester to William de Martin, Henry's chancellor, earnestly recommending it as the most solid basis of a peace. But the power of the barons was too unconnected and widely dispersed, and they themselves too independent of controul, for them to abstain from hostilities throughout all the kingdom. Their resentment, indeed, fell chiefly upon strangers; and all who could not speak English felt it severely. Mansel, finding his master could not protect him, thought it most prudent to withdraw out of the kingdom; but he was pursued, even into France, by Henry, son to the king of the Romans, who was himself, by the contrivance of the queen of England, taken prisoner at Bulloign.

Conduct of the king of the Romans.

Rymer, vol. i. p. 768.

Mansel retires to France.

Prince Henry made prisoner at Bulloign.

But, by the mediation of the king of the Romans, and the moderation of the city of London, Leicester and the principal barons still kept up a shew of conduct and readiness to accommodate matters. Their main army lay then at Isleworth, in the neighbourhood of London, with which city they kept a close correspondence. The citizens, on the other hand, applied themselves to Henry, who



A. D. 1263.

The city of London declare they could not depart from the provisions of Oxford, and present a petition of the earl of Leicester and other barons to the king.

who continued still in the tower. They laid before him their reasons why they could not depart from the provisions at Oxford, nor admit any foreigners within their city. At the same time they presented a very modest petition on the part of Leicester and the chief barons, humbly beseeching his majesty to observe the provisions so often confirmed by his own oath, and that of the prince; but withal promising, if, upon mature enquiry of worthy persons, those provisions should appear detrimental to the public good, that they should receive such alterations and amendments, as that all the noxious part should be annulled, and the salutary alone preserved; concluding with a most earnest request, that the kingdom might thenceforth be governed by its native subjects, as was the practice in all other nations. The contents of this petition seem to have been built upon the plan which had been recommended by the bishop of Worcester.

Prince Edward's success.

Rymer, vol. i. p. 272.

Henry makes a second accommodation with the barons.

[Brady.] Terms of it.

Prince Edward was all this time with an army in the field, and had retaken the castle of Brecknock, and some other important places on the marches of Wales. The north in general was well affected to the royal cause. The Bruces, the Cummins, the Baliols, and the Piercies were all ready to join Nevill, who was governor of all the provinces beneath the Trent; and many other great fortresses of the kingdom were defended for Henry by their governors. All those considerations infatuated him so much, that at first he rejected the barons petition, which gave them a plausible handle of continuing their hostilities, and obliging the Cinqueports both to receive their troops, and the governors to take an oath of fidelity to their cause, even until death. This turn in favour of the barons, and the distant prospect of relief which Henry now had, either from the west or the north, disposed the latter to think of an accommodation; though it was powerfully opposed by his queen and her faction. That lady having received personal injuries and affronts from the citizens of London, who looked upon her now as the king's chief misguider, seems to have entered into a strict correspondence with her son prince Edward for continuing the war, without regarding what her husband might do. For Henry still remaining closely shut up in the tower of London, and the strength of the barons daily increasing, began to be afraid of his own person falling into their hands, once more clapped up an accommodation with the barons; but vastly more disadvantageous and dishonourable than what he might have obtained but a few weeks before. The terms of this accommodation were, First, That Henry, son of the king of the Romans, should have his liberty. Secondly, That the king's castles should be put in the hands of the barons. Thirdly, That the statutes and provisions made at Oxford should be inviolably observed, as well by the king as others. Fourthly, That all strangers, except such as the well-affected should think proper to indulge, should presently avoid the nation, never to return again. It was easy to foresee that

those dishonourable conditions amounted to no more than a temporary expedient agreed to by Henry to get rid of a present difficulty. The earl of Leicester immediately set out to take measures for restoring prince Henry to his liberty. His absence gave a fair opportunity for prince Edward to break the accommodation. His foreigners in Windsor castle made a sally upon the estates of the friends of the barons, lying in the neighbourhood, which they plundered and destroyed, while he himself marched to throw a reinforcement into the castle of Bristol; but a difference happening between him and the townsmen, who were in the interest of the barons, the latter took up arms, and forcing the prince to shut himself up in the castle, were preparing to give it a vigorous assault. Edward being thus in the most imminent danger of falling into his enemies hands, applied to the bishop of Worcester, who still acted the part of a mediator, though he remained with the barons. But, after matters were made up by the prelate, in the firm persuasion that the prince was about to agree to the late articles, Edward rode off to Windsor. The bishop complained of this behaviour as an unprincely breach of faith, and had soon an opportunity of effectually resenting it: for the earl of Leicester being now returned, he put himself at the head of a body of forces, and marched as far as Kingston, with an intention of besieging Windsor. Edward being in no condition to resist him, and finding that the nation were unanimously for the expulsion of foreigners, advanced from Windsor to Kingston to capitulate. The bishop of Worcester, upon this, persuaded the barons, that the seizing the prince's person was but a lawful reprisal; and upon his refusing to agree to all their terms, he found himself under arrest. The consequence of this was, that the prince was obliged to give up Windsor castle to the barons, to dismiss his foreign mercenaries out of the kingdom, and to be reconciled to Leicester and the other party. Hugh d'Espenfer was made high justiciary of England, the earl of Leicester high steward, and Henry had the mortification to see his most inveterate enemy, Sir Roger de Leyburn, made steward of his household.

Prince Edward put under an arrest, and obliged to deliver up Windsor castle.

Thus it appears the barons knew no moderation in success, as they had pushed matters to such extremities. A parliament was held about the beginning of September, in which the provisions of Oxford were confirmed, and the state of foreigners, who were imprisoned or beneficed in England, was taken into consideration. Boniface archbishop of Canterbury was then at Bulloign, in a kind of exile, being a foreigner, and was not only making great instances with the court of France against the barons, but had excommunicated the two sons of the earl of Leicester, and a son of the earl of Hereford, with many others of the barons who had offered violence to churches and the persons of ecclesiastics. These considerations determined the parliament to proceed with some shew of moderation. The bishop of Hereford



**A. D. 1263.** Hereford and Matthias de Bezile, governor of Gloucester, were set at liberty, and the ecclesiastical depredations ordered to be made good. After which the parliament broke up, much to the dissatisfaction of the public.

Henry and the earl of Leicester repair to the French parliament at Bulloign.

But the court of France had now taken upon itself to act as a kind of an umpire between Henry and the earl of Leicester, who both of them were vassals to Lewis. The earl was summoned to appear before the French parliament, then held at Bulloign; to which he, and Henry, with his queen, repaired at the same time. Lewis at first dealt with great moderation, and exhorted the earl to leave his factious practices, lest they should ruin both himself and the public. But Montfort, who knew Lewis to be entirely in the interest of Henry, very properly pleaded, that though, in obedience to his summons, as a vassal of France, he had repaired thither; yet that he did not conceive that what he, and the rest of his peers, had done, as barons of England, was cognizable in a French court. Lewis finding him determined, was obliged to dismiss him, and he immediately returned to England, whither he was followed by Henry, whose queen found it advisable to remain at the court of France.

Reflection.

From the many turns which the popular affections had taken since the beginning of the difference between Henry and his parliament, it appears, that the public in general was an impartial arbiter between both parties, and considered the whole as a quarrel in which both, in some respects, were in the wrong. Hence the scale preponderated in favour of either, according to the moderation it discovered in its demands or proceedings. Henry was well enough advised to be sensible of this. A parliament was held after his return from France this year, where the terms of accommodation he offered were fair and satisfactory to all the disinterested, dispassionate part of the assembly; but Leicester and his party making a violent opposition, they came to nothing. This proceeding, however, had the good effect of opening the eyes of many to the views of the faction. Prince Henry, the earl marshal, John Bassett, and several other noblemen, thought they could not, as true Englishmen, continue any longer with Montfort; they joined prince Edward, and entered into a resolution to curb the insolence, which now too plainly had a fatal tendency.

Several of the nobility join prince Edward.

The first effect of this coalition was the surprisal of Windsor castle by prince Edward. Thither Henry immediately repaired, and it was made the rendezvous of the royal party, which was now strengthened by the intire accession of the king of the Romans and the earl of Warren. From Windsor they set out for Dover. That important fortress was still in the hands of the barons; and the earl of Leicester foreseeing the king would attempt to reduce it, had wrote to the deputies under lord Richard Grey, who was appointed chief governor of it by the barons, to deny entrance to all men into the castle; nay, to the king himself, unless he

should come attended with no more than eight or ten persons. Henry, who had gone down prepared rather to take possession, than to form a siege, meeting with this unexpected repulse, repaired to the other Cinque-port towns, where their barons, always following the prevailing party, made their submissions; and from thence he set out for London about the beginning of December. Prince Edward was then at Merton with an army, and had all this time been observing the motions of the earl of Leicester, who had raised troops for the relief of Dover, if it should be besieged, and remained in possession of London, where Henry had now many friends. Montfort's troops were cantoned about Southwark, and the adjacent places; but neither party made any attempt upon the other, till Henry having, upon his return, joined forces with his son, found himself much superior to Leicester in strength in the field. But the earl, depending on his interest with the Londoners, thought himself secure; though that security had almost proved his ruin. For one John de Gisors, a Norman, having formed a party in Henry's favour within the city, found means to secrete the keys of the bridge-gate, while the earl was vigorously attacked in front by the superior forces of prince Edward. Being driven back, he found the bridge shut, and those within unable or unwilling to give him relief. He was therefore preparing to sell his life as dearly as he could, when the common people in the city, among whom his main interest lay, taking the alarm, forced open the gates of the bridge, and issued to his relief. The prince was now repulsed in his turn, and the earl pitched his tents in Lambeth fields. And now a decisive action was every day expected, when, by the unwearied interposition of the more moderate of both parties, it was agreed to refer the whole of their differences to the king of France. The reference was signed by both parties on the 13th of December; but with this condition, that Lewis should give his determination before the approaching feast of Pentecost. Lewis was then at Amiens, holding an assembly of his states, and both parties immediately sent over agents to solicit their cause; but, about the 28th or 29th of December, Henry went over in person. Lewis accepted the reference, and, in a short time after, gave sentence in favour of the king. The earl of Leicester and the barons were condemned by this sentence; the provisions of Oxford rendered void; the castles ordered to be restored to the king; who was likewise declared to have the power of appointing his great officers of state and of government, equally by foreigners as natives: but all with a salvo to the charters and privileges of England.

**A. D. 1264.** The Cinque-ports submit to Henry.

Montfort surprized by prince Edward, by the treachery of John de Gisors.

Both parties refer their differences to Lewis king of France.

who gives sentence in favour of Henry.

A sentence so very French could not fail of exasperating the barons. They flattered themselves that Lewis would have been glad of any opportunity of reducing the power of Henry and his family, which had been so formidable and troublesome to the crown of France; but that prince's notions were too high with regard to kingly power, and his conscience too delicate to truckle to his interest:

The barons exasperated.



*A. D. 1264.* tereft : the barons were deceived ; for Henry, from personal acquaintance, knew him better. The reference, however, was very full, so was the sentence ; and the agents of the barons returned to Montfort in England full of confusion and disappointment. But Leicester had no sooner read the award, than he pronounced them void of itself. It was not without some appearance of reason : for he pretended, that the provisions of Oxford being mostly, if not wholly, founded upon ancient charters and liberties granted to the people ; and these being saved, the one could not be abrogated without the other. In this he was partly in the right ; and it must be owned, that the ignorance of Lewis with regard to the English constitution had extremely perplexed his sentence. Henry, however, now looked upon himself as being restored to absolute power. A copy of his sentence was authenticated and delivered to him. He hastened over to England about the beginning of February, and demanded possession of Dover castle by virtue of the sentence. This was peremptorily, but civilly, refused ; and in March we find him at Oxford, again treating with the barons.

*Progress of prince Edward and the Welsh.*

Even during the time of the reference, the sword had not been sheathed on either side. The earl of Leicester, indeed, affected a moderation ; but his two sons joining their forces with Llewellyn, who was still in arms in Wales, continued their ravages upon the estates of the king's party. They were opposed by Sir Roger Mortimer, Sir Robert Clifford, and Sir Thomas Corbet ; but these found themselves too weak to keep the field. The enemy made a dreadful progress, and at last burnt the castle of Radnor. This obliged prince Edward to raise what forces he could get together, and advance to Hereford ; but here he received such accounts of the enemy's strength and situation, as made it prudent to fortify himself within the castle. Things were in this situation when a treaty between the king and the barons opened at Oxford. Montfort's two sons and the Welsh had by this time retired to their several concerns, and left the prince at liberty to assist at the conferences. In his way to Oxford, he plundered and burnt the houses of the barons party ; but he seems to have come too late to be of any service in the negotiation.

*The king of France offers his mediation again.*

For the king of France, understanding that great exceptions had been taken at his award, had sent over John de Vallenciennes to mediate between the two parties. Henry had nominated the bishop of Coventry and the archdeacon of Norfolk to be his commissioners, while the earl of Leicester was to manage for the barons ; and the conferences were to be carried on at Brakely. We know of no particulars which passed there ; but it is very probable the negotiation dropped : for Henry, this spring, issued out writs for raising his military tenants, and ordered the scholars of Oxford, who were ill affected to his interest, to retire from that city, which he designed should be the place of rendezvous of his troops. Prince Edward, therefore arriving thither, and having joined

his own forces with those of his father, found himself at the head of a fine army, great part of which was composed of those who had deserted Leicester upon the late award. But that nobleman considering his chief dependence to be upon the Londoners, was now employed in fixing them in his interest. He had got one Thomas Fitz-thomas, a man extremely fit for his purpose, to be chosen mayor, and had on his side the whole body of the smaller vulgar. These, without regard to character or persons, taking the word from their insolent leaders, fell upon every man of property, whom they conceived to be of a different party, plundering his effects, and demolishing his houses. Among others, they destroyed a fine seat belonging to the king of the Romans at Isleworth, to which place they marched, under the conduct of Henry d'Espencer, whom the barons lately made justiciary, Thomas Pynpleston, whom they termed their constable, and Stephen Buckerel, their marshal. Returning from Isleworth by Westminster, they destroyed a fine summer-house belonging to the king there ; and they inhumanly butchered about five hundred Jews, without regard either to sex or age.

*A. D. 1264.* Montfort endeavours to secure the Londoners in his interest,

and their riotous proceedings.

In the mean time the barons were assembling the rest of their party at Northampton, to which place the scholars of Oxford had retired. It was resolved in Henry's army to march thither, and to attack the town before the enemy should become too strong. This was executed with all the success and address imaginable. The town, after being battered, was entered by storm ; and, notwithstanding all the bravery of the garrison, and the Oxford scholars, who served as soldiers, no less than sixteen barons and sixty knights were made prisoners, with a vast number of inferior rank, after a great slaughter in the streets. This blow seemed to be mortal to the cause of the barons ; and Henry was so elated with success, that he was weak enough to order all the Oxford scholars, who were taken in arms, to be hanged. It was even with difficulty that he was dissuaded from this barbarous resolution, in consideration of the bad effects which might attend the resentment of the parents of those who should suffer.

*Northampton taken.*

This conquest was followed by the reduction of Nottingham, which was surrendered to Henry by William Bardolf. But Montfort was not idle in the mean time : secure of the Londoners, he had laid siege to the castle of Rochester, which was near falling into his hands, when Henry, risking every thing to save it, by prodigious marches advanced to its relief. Montfort found himself too weak to give him battle ; he therefore retired to London, where he received so strong a reinforcement, that Henry, who was advancing to his metropolis after the relief of Rochester castle, thought prudent to remain in Kent, that he might awe the Cinqueports. The war was proceeding all this while with equal vigour and great ravages throughout the rest of the kingdom. Prince Edward, putting himself at the head of a strong

*Progress of the barons.*



A. D. 1264.

strong detachment, carried fire and sword through all the estates of the opposing barons, particularly in Derbyshire, where he ruined the lands of that earldom, and razed the strong castle of Tutbury. On the other hand, John Gifford, who commanded in Kennelworth castle under the earl of Leicester, surprised Warwick, and demolished its castle.

Henry  
marches into  
Kent.

The resolution which the Londoners discovered, by marching out to give the king's army battle, having disconcerted Henry's great scheme of taking possession of that capital, he retired farther into Kent, with a view of making himself entire master of all the coast. In this design he succeeded so far, as to prevail with them to furnish shipping for blocking up the mouth of the river Thames. Though the Londoners, perhaps, suffered somewhat by this, yet it was inconsiderable, when compared to the inconveniences which Henry met with in a long march through Kent into Sussex, that he might make himself master of Winchelsea and Pevensey. The barons had taken into their pay a body of the Welsh, who being used to rough and mountainous marches, extremely harrassed the royal forces, though much inferior to them in goodness in a plain field. In short, Henry's army was very much weakened and fatigued when he came to Winchelsea; and though Tunbridge castle fell into his hands, yet he found great difficulty in reducing the barons of the Cinqueports. Those who submitted, did it through fear more than affection; while others put themselves on board their ships, and kept the sea. He pursued his march, however, under all disadvantages, and had advanced as far as Lewes, when he understood that the earl of Leicester was lying near Flexborough, at the head of fifteen thousand men, and not above two leagues distant.

Westminster.

This surprize was owing to Henry's impolitic conduct, in undertaking so long and so fatiguing a march, and leaving Montfort at liberty of mustering up all his friends (the Londoners especially) and making an easy, commodious march through the open county of Surrey into Sussex. But as his army was far inferior to that of Henry, and the greatest part of it Londoners, unexperienced and untrained in war, it was resolved to proceed with a great shew of moderation and duty. A letter was wrote by the earls of Leicester and Gloucester, in the name of all the party, with the strongest professions of their readiness to submit to his government, and to defend his person. Private application was at the same time made to the king of the Romans and prince Edward, to persuade Henry to come into moderate terms; but all in vain. The king and his party sent them a defiance, and treated their proffered submission with contempt. The barons renewed their applications by the bishops of London and Worcester, and went so far as to offer thirty thousand pounds as a reparation of the damages with which the king charged them. But as the confirmation of the Oxford provisions was still insisted on, all applications proved ineffectual, mutual

The barons  
write a letter  
of submission  
to Henry,  
prince Ed-  
ward, and the  
king of the  
Romans;

who return a  
defiance.

defiances passed by both armies, and both prepared to try the fortune of battle. Montfort, affecting a great appearance of devotion, on the 14th of May (the day of the battle) ordered his army to be confessed, and each officer and soldier to wear a white cross, as a badge of the purity of their intentions. Henry, on the other hand, thinking himself secure of victory, through the number of his troops (by some said to amount to upwards of forty thousand) and the courage of his generals, was at little pains to prevent the motions of the barons. For early in the morning his army perceived that of the barons very near them, marching with banners displayed, and in order of battle. Henry's generals, however, had time enough to rouse their soldiers and officers out of their beds, and to draw them up in three columns. One of them was commanded by prince Edward, and his uncle William de Valence, created earl of Pembroke, and the earl of Surrey; the king of the Romans, and his son Henry, headed the second division; and the king himself commanded the main body, which consisted of his household troops, and a body of five thousand Scots, under Bruce, Baliol, Cummin, and other northern noblemen.

Montfort had divided his army into four bodies. The earls of Hereford and Essex, with Henry Montfort (Leicester's son), led on the first; the second was commanded by the earl of Gloucester, John Fitz-john, and William de Montcamis; the third was headed by Nicholas de Seagrave, who had under his command the Londoners; and Leicester himself, with one Thomas de Pulyston, led up the last division, which was composed of the flower of his troops. His dispositions, in all other respects, shewed him to be an accomplished general. For, well knowing that the prince, from whom he had most to dread, would charge the Londoners, in whom Montfort had but little hopes, he affected to put his chief confidence in them, by drawing them up before the baggage, and his own chariot and standard. In this chariot the enemy supposed the earl to be, and that he was indisposed; but, in reality, three of the chief citizens of London were shut up, because they had refused to bear arms against Henry. The thing succeeded perfectly as Montfort had foreseen. Prince Edward, breathing revenge against the Londoners for the affront they had put upon his mother, charged them with the flower of his father's army, put them to a total rout, demolished the chariot of Montfort, and within it the Londoners; and was carried four miles in the pursuit, in which a great number fell. This eagerness was fatal to the royal cause; for, while the prince imagined that Montfort had been killed in the chariot, and that the victory was complete, his father and uncle, at the head of the worst troops of their army, were charged by the earls of Leicester and Gloucester, at the head of the best troops of theirs. The dispute was as unequal as were the abilities and experience of the commanders on either side; for though the body of the barons, under the earl of Hereford and

A. D. 1264.

The order of  
the battle of  
Lewes.  
[Buchanan.]

Prince Edward  
puts the Lon-  
doners to  
flight.

young



A. D. 1264.

A. D. 1264.

Henry surrenders himself prisoner to the earl of Leicester, as does the king of the Romans to the earl of Gloucester.

young Montfort, had been broken in endeavouring to support the Londoners, yet Montfort, rightly judging that the fate of the day must be determined by that of the two kings, pressed them so furiously, that almost all the Scots were cut in pieces; and the royal brothers, before they were aware, found themselves without any other guard than a few domestics. Being still, however, not without hopes of relief from prince Edward, and prince Henry who had joined him in the pursuit, they made for some time a desperate resistance; which was the more troublesome to Montfort, as all he wanted was to be master of their persons. Henry, at last, having a horse killed under him, surrendered himself prisoner to Leicester, while his brother did the like to the earl of Gloucester. Thus, when Edward returned, as he thought, from conquest, he was received with the news of a total defeat, by the captivity of the two kings, and all their followers laying down their arms. His division, however, having suffered but very little, and the castle of Lewes still holding out against the barons, he prepared to try the fate of another battle. But Montfort, sensible that the person of the king was a pledge against all events, put himself to very little trouble against this. He represented to the prince, by two friar minors, that if he was again forced to fight, he could not be answerable for what might happen; and that the prince alone would have the whole load of blame for the wanton and unnecessary effusion of blood which might follow. At the same time he very prudently offered to compound matters, even upon a more moderate footing than had been offered to Henry while events were yet uncertain. When the prince, in the morning, began coolly to weigh those considerations, and to reflect that the persons of the two kings were in the hands of the rebels, he lent his ear to Montfort's proposals; and, at last, the plan of an accommodation was drawn up and agreed to, upon the following terms:

Terms of accommodation between prince Edward and Montfort.

That the provisions of Oxford should be again observed; but that a parliament should be summoned by Whitsuntide following, for revising and amending them; and that the said parliament should chuse four persons, either of the laity or the clergy, for that effect. It was likewise agreed, That if any differences should arise with regard to the amendments, they should be referred to the arbitration of the count of Anjou, brother to the king of France, with four noblemen of that kingdom; and that all prisoners should be freely set at liberty. But it was at the same time stipulated, That prince Edward and his cousin, son to the king of the Romans, should remain as hostages in the hands of the barons, for the performance of the said articles; which being reduced to writing, were termed the mise, that is, the agreement of Lewes; and was confirmed by the seal of the king, and all the principals of either party.

The princes Edward and Henry surrender themselves as hostages.

Though this is the account given of this mise, or agreement, by the annals of Lon-

don, yet I am not satisfied that it is, in every respect, true: for the continuator of Matthew Paris says the terms were, That both parties should submit to the arbitration of the king of France, who was to chuse three prelates and three noblemen of France; and that they were to nominate two Frenchmen, who, repairing to England, were to chuse an Englishman; and these to be the umpires of all differences between the king and the barons. This relation is favoured by the letter of the legate, which is printed in Mr. Rymer's collections, and which mentions the defence made by the barons of Montfort's party to be, That prince Edward and prince Henry were detained as hostages, on account of a certain compromise, by which matters were to be referred to six arbiters; but, says the legate, these arbiters would not accept of the reference; nay, three of them, by letters under their seals, declined it.

When the loss on both sides, after this battle, came to be enquired into, it appeared that, on the part of the barons, a valiant knight, one John Giffard, had been taken prisoner, and conveyed to the castle of Lewes; and that the earls of Hereford and Arundel had met with the same fate, as did several other brave knights; while Ralph Hergarde a baron, and William Bland, Leicester's standard-bearer, were killed. William de Wilton one of the justices, and Fulk Fitzwarren an eminent baron, fell on the king's side; and the whole loss of both armies was computed at five thousand killed. As to the foreigners in Henry's army, they behaved very ill; for William de Valence and his brother Guy de Lusignan, the earl of Warren, and Hugh Bigod, with four hundred cuirassiers, fled in the beginning of the battle to the castle of Pevensey, from whence they were transported to France. But the greatest slaughter, on Henry's side, fell upon the Scots, who being mostly foot, were cut in pieces, and Robert Bruce, with John Cummin, were taken prisoners.

Loss on both sides.

At first the earl of Leicester affected great moderation in his success. Henry was treated with vast regard, but with very interested views; for, while the appearance of restraint was taken off, all his acts had the greater shew of being voluntary. Leicester carried him first to Canterbury; and an order of indemnity was published, by way of passport, to all the barons of the king's party who were willing to retire to their respective homes. Letters were likewise dispatched to the garrison in the castle of Tunbridge, then besieged by the earl of Gloucester's forces, commanding them not to offer any violence to those barons in their way homeward: but very little regard was paid to those orders; for the besieged attacked the Londoners who had fled from the battle of Lewes into Croydon, and destroyed many of them. They next marched for Bristol, well knowing that the castle of Tunbridge must of course fall into the hands of the barons.

Leicester's affected shew of moderation.

All this time the king was carried about as a state-pageant. He understood, that though he was treated with great regard by the ba-

The king carried about the country by Montfort.



A. D. 1264.

A. D. 1264.

Rymer, vol. i.  
p. 790.Leicester's  
great power.

Remark.

rons, yet that it was expected he should lend the sanction of his name to all they should propose. Henry complied with all: he issued writs to Drogon de Barenton, governor of Windsor castle, for the release of four Montforts, taken at Northampton, viz. Simon and Peter, two sons of the earl of Leicester; and Peter and Robert, his grandsons. His next act was a commission to Henry de Montfort, eldest son to the earl of Leicester, to be governor of Dover castle, warden of the Cinque-ports, and chamberlain of Sandwich. Writs were next issued out, by which all who were in arms were ordered to lay them aside; with an exception to the earl of Leicester and his retinue, who were indulged in the privilege of wearing arms, on pretence that he was to guard the prisoners and hostages. The tythes over all the kingdom were next paid the earl of Leicester, by the king's writ; and the archbishop of York severely threatened, because he had been backward in suffering them to be collected within his diocese. The earl was likewise appointed by Henry as his plenipotentiary in all differences between himself and the barons, and between himself and other powers. One observation, however, may be made, to the honour of the English constitution, upon all those acts; which is, That the genius of monarchy would not permit Montfort to commit one executive deed of power in his own name, or that of his party: all was done by Henry and his authority; and the most industrious care was taken, in the preamble to every act, to shew that every thing was spontaneous on his part, and tending to establish the great work of peace, the preliminaries of which had been settled before. Leicester, by those arts, became as despotic as any king who had ever sat upon the throne of England. All places and posts were disposed of at his will, and upon his own creatures. The king of the Romans and prince Edward were treated as common prisoners: the former was sent, with his son, to the tower of London; and the latter, first to Wallingford, and then to Dover castle, without regard to his blood, or quality of hostage.

Rymer, vol. i.  
p. 790.A parliament  
held at Lon-  
don.

About the beginning of June, according to our modern authorities; but, according to records, about the end of May, the unhappy king, being hurried about from place to place, according to the will of his insolent keeper, was brought up to London. Here a parliament was immediately summoned, to be held about the feast of St. John the Baptist, being June the 24th. But, in the mean time, Leicester made a wide step towards introducing the favourite scheme of government so long meditated by his party; for, preparatory to this parliament, he made use of the king's

name and authority for constituting, in the intermediate time, keepers of the peace, till matters were otherwise ordered by parliament. A writ, to this effect, was dispatched to the several creatures of the earl of Leicester, throughout all England, part of which the reader will find in the notes (1). But the most remarkable part of this writ is, a precept which it contains, directed to the said keepers, commanding them to send to the ensuing parliament four of the most respected and discreet knights through every county, for conferring with the king upon the state of the nation. By those regulations it appears, that no regard was had to the misdeeds of Lewes; and I am apt to believe, that by this time the earl of Gloucester and the other barons began to break in upon the schemes of Montfort, as this regulation was so contrary to that misdeed. Our historians have indeed exclaimed against Montfort for this breach of faith, as it is called; but it is plain, that the distribution of power might have been, by the election of the four representatives for each county, more equal, and it might have been less in Montfort's power to sway the approaching assembly. He seems to have been fully sensible of this; for, immediately before the meeting, he poured forth writs, in the king's name, all over the kingdom, directing the prisoners who had been taken at Northampton to be set at liberty, that they might attend the business of parliament, which met the 22d of June, 1264.

But here it appeared that Montfort had laid his scheme so well, as to have the whole of the direction. For though the counties were to chuse their four representatives, yet the keepers of the peace in each county, who all of them were in his interest, had the power of returning them; and, by their commission, so great a power over the elections, that Montfort's creatures were every where chosen. By those means he had interest enough to get the whole scale of power thrown into his own hands; for, upon the 29th of June, according to an ancient transcript of the record still extant in the Bodleian library, an instrument was drawn up, in which prince Edward himself was made a party, under the following title, and to the following purpose:

"This is the form of the peace unanimously approved of by our lord the king, and the lord Edward his son, and all the prelates and barons, together with the whole community of the kingdom of England, and is thus: That a certain ordinance, made in the parliament at London, about the feast of St. John the Baptist last past, for preserving the peace of the kingdom, until such time as the peace between the said lord the king,

Four knights  
in every coun-  
ty returned to  
parliament by  
the keepers of  
the peace.Montfort gets  
the direction  
of the parlia-  
ment.New conserv-  
ators of the  
peace ap-  
pointed.

(1) The writ directed to one Adam of Newmarket recites: "That whereas, by divine grace, there had been a firm peace agreed on between him and his barons, to be inviolably observed through the whole kingdom, he did therefore, by the advice and assent of his said barons, constitute and appoint him, and those others to whom these writs were directed, to be keepers and conservators of that said peace, in all these counties of England, during pleasure; strictly commanding and enjoining them, by their faith and allegiance, to see the peace kept in their several counties. And farther prohibiting, in his name, all persons, under pain of disherison, and danger of life and members, to assault any man, or plunder him; or to commit homicide, burnings, robberies, tolts (i. e. thefts and rapines), or perpetrate any the like enormities; or to do damage to any man, contrary to his peace. Also, That, for the future, no man should bear arms in the kingdom, without his special licence and command; and if they found any such malefactors and disturbers of the peace, they were to arrest and keep them safe till further order." Tyrrel, vol. iii. p. 1026.



A. D. 1264. and the barons at Lewes, according to the form of a certain mise or agreement, should be fully concluded; which peace was to endure firm and unalterable all the days of the said king, and also during the time of prince Edward, after he should become king, unto the term which it should then be judged fitting to be moderated."

After this preface, we have the articles themselves, which are to the following effect:

Nine counsellors appointed by the king to chuse all the great officers.

"That, for the reformation of the state of the kingdom, there should be chosen three discreet and faithful, or well-affected men of the king, who should have power and authority from the king of naming and chusing nine counsellors, of which nine, three by turns should always be present in the court; and the king, by the advice of those nine, should order and dispose the custody of his castles, and all other business of the kingdom: and the king should make his justiciary, chancellor, treasurer, and all other great and small officers that belonged to the government of the court and kingdom by the advice of those nine. The first electors were to swear, that according to their conscience they would chuse and nominate such counsellors as should be faithful to the honour of God and the church, and profitable to the kingdom. The counsellors also, and all officers, both great and small, were to swear at their creation, that they would, to the utmost of their power, execute their offices to the honour of God and the church, and to the profit of the king and kingdom, without any other reward than meat and drink, which commonly was presented upon tables. And if the counsellors, or any of them, so behaved themselves, as they were to be laid aside, or changed, then the king, by the advice of the three electors, might change and remove as many as he thought fit; and, in the place of them so removed, substitute other fit and faithful person or persons. If the great or small officers behaved themselves ill, they were to be removed by the council of nine; and other, or others, by them to be appointed in their places. And if the three electors agreed not in the choice of counsellors, or they agreed not in the creation of officers, or disposing of, or in dispatching other business of the king and kingdom, then what should be ordained by two parts should firmly be observed, so as, of those two parts, one should be a prelate in matters concerning the church. And if it should happen that two parts of the nine should not agree in any business, then it was to be determined by the three first electors, or the major part of them. And if it shall be thought expedient, by the community of prelates and barons, that all or any of the three first electors should be removed, and others substituted, the king should substitute them, by the advice of the community of the earls and barons. All these things the king was to do by the council of nine, in form as it was to be subscribed by the king, or by them instead of, and by the authority of, him. And this ordinance was to endure

until the mise made at Lewes should be completed, or another form provided and appointed by the agreement of all parties. In witness whereof, Richard bishop of Lincoln, and Hugh bishop of Ely, Roger earl of Norfolk and marshal of England, Robert de Veer earl of Oxford, Humphry de Bohun, William Montchensey, and the mayor of London put their seals to the writing. Done in the parliament at London, in June, 1264."

This agreement was a more barefaced violation of the constitution of England than even the provisions of Oxford had been, because it contracted the stream of government into a still narrower channel, and put the whole, with even a paramount power over the king himself, into the hands of three persons, who were to have under them the shadow of a king, and nine stalking-horses of state removable at their pleasure. But Montfort, chusing to leave as little as possible to chance, had, even previous to the date of the agreement, as we find it in the Bodleian library, procured from Henry an instrument, nominating himself, the earl of Gloucester, and the bishop of Chichester to be the three who were to nominate the council of nine.

Montfort one of the three electors.

It may be well supposed, that Henry, weak and unsteady as he was, did not, without violent pangs, consent to this abrogation of his royal authority. But the faction had by this time fallen upon the surest method of bringing over to their side the common people. This was by the force of enthusiasm, which they used as an engine to balance every sentiment of honour, virtue and duty. The nation, indeed, had suffered greatly; but her sufferings were not irremediable. She had been deeply provoked; but those provocations were effaceable by reducing the government to the principles laid down in the great charter. Montfort and his party despised, or dreaded this. They preached up the meritorious deaths of all who fell in their quarrel: and the party they had formed among the lawless rout, put them above all regard to duty or decency. Henry was threatened with deposition, and his family with perpetual imprisonment, if he should refuse to confirm whatever the rebels should lay before him. The high quality of the king of the Romans, the former merits of his son in the same cause, the innocence and inoffending years of Edmund, the titular king of Sicily, could not protect them from experiencing the miseries of a common jail, embittered by the Montfort insolence. They were carried about from one loathsome prison to another, as the will of their jailor, Henry de Montfort, directed; and all the best subjects of the kingdom, who preserv'd any sentiments either of liberty or loyalty, were forced to bow the head to the same imperious masters.

The enthusiasm affected by Montfort and his party.

Henry forced to confirm whatever the rebels demanded.

It is extremely difficult, amidst the jarring Conjectures, relations of authors, and the contradictory import of records, to say, with any certainty, what the secret intentions of Leicester were at this time; whether to introduce a republican form of government, or to begin a new line of monarchs in his own family. I am



A. D. 1264. apt to believe the latter, by the ever-varying tenor of his conduct; for he appears to have veered from point to point of government, only that his views might more safely fix to royalty, that magnet of his soul. The great charter, which was the fundamental and constitutional ground of opposition, had been long forgot. The provisions of Oxford had been disused as soon as they had served their turn; the wife of Lewes was now no more heard of; and even the late regulation, tho' so much in favour of Montfort and his party, was now in some measure set aside, that he might the better keep pace with the career of his ambition. He was sensible that the whole of his interest lay among the inferior clergy and people, that it depended upon his persevering hypocrisy, and that all Europe besides were his enemies. Henry's queen, Eleanor, was spiring up every state in Europe to revenge the injuries offered to royal blood, in the treatment which that of England had met with from audacious faithless rebels. The pope took her remonstrances so much to heart, that he ordered cardinal Guido, a man of more than papal virtue, to repair, as his legate, to England, and to arbitrate in all the public commotions; but the prelate being denied entrance into the kingdom by Montfort, he summoned the bishops of England to attend him at Bulloign.

Guido the pope's legate summons the English bishops to attend him at Bulloign:

Henry's and the pope's continual course of oppressions upon the prelates had rendered the royal cause extremely unpleasing to them; they disregarded the summons; and it was not till after the legate had pronounced sentence of excommunication against them, that the bishops of London, Winchester, and Worcester, with the high justiciary, and some other barons went over to justify themselves. They carried over with them powers from the king (with consent of Leicester and the other barons) to Charles duke of Anjou, brother to the king of France, the bishop of London, and Hugh d'Espercer the justiciary of England, with the abbot of Bec, to revise the late sentence of Lewis, and that whatever amendments should be made by them, should be binding upon both parties, under pain of excommunication. But these powers are qualified with a clause, by which the commissioners are tied up from determining aught with regard to the government of the kingdom by natives only. An impudent exception, and plainly calculated for the interest of Montfort, who was himself a foreigner. Another commission was issued out at the same time, empowering the bishops of London, Worcester, and Winchester, with Hugh d'Espercer, Peter Montfort (who is constituted proxy for the king himself) and Richard de Mepham, archdeacon of Oxford, to act as procurators and commissioners in presence of the king of France and the legate, about the reformation of the state of England.

Montfort thought, by those shews of submission and moderation, to keep the courts of France and Rome, at least for some time, in suspense, till he should settle matters more to his own mind in England. But his con-

duct and the state of Henry was better known than he imagined. All the acts of Henry were by the legate judged to be extorted; no regard was had to the commissioners who came from England, and were looked upon as Montfort's creatures; the bishops were ordered instantly to return to England, and there to pronounce a special sentence of excommunication against the earl of Leicester, his sons, favourers, abettors, and accomplices. The city of London, the estate of the earl of Gloucester, and the Cinque-ports were likewise ordered to be put under an interdict. Had those sentences taken effect, they might at once have blasted the now full-blown fruits of rebellion. But Montfort and his son were not of that spirit which boggles at any means to compass an end. They were in full possession of the sea-coasts; they seized the bishops before they set foot on shore; they took from them the papal sentence; they tore it, and committed its shreds to the winds and waves, which, for once, dissipated the thunder of the Vatican.

It was easy, in the mean time, to perceive, that no step in the government was taken without the permission of Leicester and his family. This exasperated foreign powers the more, and he foresaw that he would soon be attacked from abroad: for the queen of England, forgetting nothing that was due to the resentment of her family's injuries, had entered upon a treaty with several powers, to whom she offered to mortgage part of Henry's dominions, and those of his son, in France, provided they would assist her with forces to restore her husband to his former state. Though the season of the year was far spent, yet foreigners were well affected to this service, and a large army assembled at Dam in Flanders. Montfort, knowing that those troops must soon break up without money, immediately made Henry write in the most pressing manner to his queen, the king of France, and Peter of Savoy, conjuring them not to consent to any alienation or mortgage, either of his or his son's estates. Notwithstanding this, the alarms from abroad still continued, while the nobility on the marches of Wales, well knowing the state of the royal family, continued still in arms. Montfort, who knew the great interest which the king and prince Edward had in those parts, had taken care to cultivate a strict friendship with Llewellyn, the determined enemy of those marchers, the chief of whom were, Roger de Mortimer, James de Audely, Roger de Clifford, Roger de Leyburn, Haimo L'Estrange. Montfort, therefore, had no sooner settled the civil affairs of government upon the new plan, than he marched and joined forces with Llewellyn in Wales. The castles of Hereford and Haye were taken, the estates of Roger Mortimer were plundered, his brother made prisoner, the castle of Richar and the town of Radnor taken, Mortimer and Audely obliged to capitulate, and the combined army was preparing to make farther progress, when Montfort had certain intelligence of the storm that was gathering against him abroad. This obliged

A. D. 1264. They are ordered to return to England, and excommunicate the earl of Leicester, his sons, and all his abettors;

but are prevented, and his sons tear the sentence in pieces before they reached the shore.

The queen engages foreigners to invade England.

Rymer, vol. i. p. 800.

The war continues on the marches of Wales.



A. D. 1264.

Writs issued  
out for se-  
curing the  
sea-coast.

A. D. 1264.

The lords  
marchers  
over-run the  
country from  
Bristol to  
Chester.They retreat  
over the Se-  
vern.Are obliged  
to capitulate  
upon hard  
terms.

obliged him to return with all haste towards the sea-coasts, and a writ directed to all the military force of England, commanding it to repair thither likewise, was issued. As the writ is of itself curious, I have given a translation of it in the notes (1). Three days after the date of this writ, viz. on the 9th of July, particular orders and writs were directed to all the sea-port towns opposite to the coast of France, to obey the commands of d'Espenser for preventing any invasion. These orders were enforced by others of a stricter nature, directed to sheriffs, by which the penalties even of life and limbs were threatened against defaulters. But, as it was now the harvest-time, and as the people in general were beginning to see into Montfort's motives, these writs, at first, had but little effect. But being certified of the truth, the restoring even the constitution itself, by foreign force, grew terrible to English minds. The strangers who could restore it, might abolish it for ever; the inconveniences they suffered at present were too violent to be lasting; public writs were still issued in the king's name; the municipal system subsisted, though the political had been broke into; the king might profit by sufferings; and the unanimity of English spirit would soon bring order out of confusion. All this determined the nation in general not to be saved at so dear a price as the introduction of foreign force. Notwithstanding all the hardships they suffered, by neglecting the harvest, and all the provocations they had met with from both parties, one of the finest armies that ever England had seen was assembled on Barham downs, and lay there till three weeks after Michaelmas; the barons of the Cinque-ports guarding the coast with a well-appointed squadron, to dispute the enemy's landing.

But those preparations were all rendered needless, by the wind setting so strongly against the queen's transports and fleet, which lay in the port of Dam, that they continued wind-bound for two months. As most of her army were adventurers, who hoped to be reimbursed by the spoils of the rebels in

England, the little money which she or they had was soon dissipated; and finding that they were no longer in a condition to maintain themselves there, every one, says my author, went to his own home, and the queen, in great bitterness of soul, returned to France.

This appearance of an invasion from abroad, however, encouraged the royal party on the marches of Wales to break an accommodation they lately made with Montfort, and to commit ravages on both sides of the Severn. Haimo L'Estrange, a noted, but bold and cruel partizan, was their chief in this insurrection; and it was so successful, that the royal party took possession, in their master's name, and that of his son, of all the tract between Bristol and Chester.

This success encouraged Robert Walerand and Walter de Bassenburn, who commanded in Bristol, which still held out for the royal family, to form a scheme for delivering the princes Edward and Henry from their captivity in Wallingford castle; but the garrison being alarmed, and they not being supported by the forces of the marchers, the attempt proved unsuccessful. For Montfort, being now freed from his apprehension of foreign invasion, was advancing at the head of a considerable body of his own troops, in company with the compelled king, to check the marchers, who were in arms. Having marched as far as Worcester, the latter found there was no parity, either in the number, or skill of the leaders of both parties. They broke down the bridge at Worcester, they re-passed the Severn, destroyed all the ferry-boats of that river, and encamped themselves on the other side. But the politic earl had taken care to engage his constant friend Llewellyn prince of Wales to raise an army, and to shut them up or attack them on that side, while he prepared to pass the river in their front. The lords, by this disposition, found it necessary to capitulate; which they did upon the hard terms of giving up their castles to Leicester, and retiring for a year out of England. Henry was obliged to be present during

(1) "The king declared to the archbishops, bishops, abbots, priors, earls, barons, knights, freemen, and to the whole community of counties, That it did certainly appear to him, that a great multitude of strangers (who, or of what nation, not said) were preparing shipping, and intended with force to invade the kingdom, to the perpetual confusion and disinheriting of himself and every one of the kingdom, unless care was taken with force to prevent it. He therefore commanded all knights and free tenants to prepare themselves with horse and arms, so as to be at London on Sunday after the 1st of August, to march with him from thence for the defence of himself, themselves, and the whole kingdom against strangers. And also commanded every sheriff to take with him the keeper of the peace of the county, to summon and firmly enjoin, in the king's name, all the aforesaid archbishops, bishops, barons, and all others which ought the king military service, by the faith and homage in which they were bound to him, and as they loved themselves, their lands and tenements, to come to him, not only with the service they ought him, and were bound by tenure to perform, but with other horse and arms (or send them) and with as many choice foot as they could raise, that by their help he might effectually resist the danger; nor was any man to excuse his non-appearance upon the shortness of time, that it was not a reasonable space for summons, because the present necessity would not allow a longer, and therefore should not be drawn into custom for the future, to the prejudice of any man. Furthermore, he commanded the sheriff to cause to come, at the same day, eight, six, or four of the best and most stout foot-men from every town, according to the bigness of it, with competent arms (that is to say, with lances, bows and arrows, swords, darts or hand-slings, bills or hatchets) which were to have their expences allowed upon the common charge for forty days; and that he should send from cities, castles, and boroughs, a proportionable number of men, as well horse as foot, according to their bigness and abilities; nor was any man to pretend or plead that harvest was then to begin, or any other family or domestic employment, as a let or hindrance, seeing it was more safe and better for a man, with the security of his person, to be somewhat damaged in his goods, than with a total destruction of his lands and goods by the impious hands of those who thirsted after his blood (to wit, the king's) and, if they could prevail, would spare neither age nor sex, but deliver them to the tortures of a cruel death. Therefore this command of the king the sheriffs were to publish, and give notice to every one, that, as they loved the honour of him and the nation, and their own lives, and as they would avoid the perpetual disinheriting of themselves and heirs, they should hasten to prepare themselves as powerfully as they could, so as they might be at the place and time aforesaid; letting them know, that if he should find any contemners of his command, or any that should be negligent or remiss in the performance of it, that he would seize their persons and goods, as of those that would not preserve him and his kingdom from confusion and perpetual disinheriting." This declaration and command was dated at St. Paul's, London, the 6th of July. Brady, vol. i. p. 647.



A. D. 1264. all this expedition, and Montfort having now fully recovered all the marches of Wales, about the middle of December returned to England, where, with pomp unknown even to kings themselves, he kept his Christmas at Kennelworth, as Henry did his obscurely at Woodstock (1).

Montfort's chief counsellors.

The earl of Gloucester quarrels with Leicester.

Montfort was now at the height of his ambition: his chief counsellors, besides his own sons, were d'Espenser, the high justiciary, and John Fitz-john. The king of the Romans and his son were still in his custody, though they had surrendered to the earl of Gloucester; and prince Edward, contrary to common faith among men, was yet in prison. The hand of the king was made to authenticate the most oppressive acts of government, and even to give away the royal demesnes to this insolent race, whose ambition knew no moderation, nor their avarice bounds. The earl of Gloucester, by whose interest chiefly Montfort had risen, perceived himself treated as a scaffolding, which is knocked down and neglected as soon as the haughty pile is finished. He saw this for some time with indignation, but in silence. As he was really, in every respect, a greater man, and of better principles than any of the Montfort race, it was not difficult for him to be sensible that he had gone too far in their measures. He at first required to have his prisoners delivered up to him, and Leicester to account for the great sums of money which, contrary to the use of Lewes, he had extorted from the prisoners, and applied wholly to his own use. Receiving no answer, but what was haughty and insolent, to those demands, he sought the first opportunity of binding up the wounds which his sword had helped to make, by restoring the royal family to its legal rights (2).

The inhabitants of the Cinque-ports, by their piracies, ruin the trade of the nation.

This was the more necessary, as Montfort, in dread and hatred of Henry's friends abroad, was every day endeavouring to destroy the trade, as he had done the constitution, of England. I have several times taken notice, that it was the great commerce which England had enjoyed since the time of the conquest, that had enabled her to furnish the immense expences to supply the ambition, avarice, or profusion of her government. But Montfort laying the ax to the root of all her interest, encouraged the mariners of the Cinque-ports, to cut off all communication between England and the continent. This frantic measure was but too well obeyed, by a race boisterous as the element on which they lived, devoted to the will of the insolent demagogue, and sharing the spoils of

their own piracy. They intercepted all foreign ships; they plundered their cargoes, and murdered their crews; neither export nor import was allowed. But it was not long before this madness had a sensible effect upon the common people themselves, who began to murmur, especially when they saw the Montfort family engross, by violence, all the English wooll, even then the staple commodity of the kingdom, without suffering it to be exported. But Montfort, who in every thing affected a very high strain of reformation, to pacify them, gave out, that, as England could live within herself and upon her own product, it was shameful and unpolitic in her to be obliged to foreigners for their commodities. Neither were parasites and dependants wanting to propagate this absurd notion; for some of them affected to wear white woollen cloths, England being then obliged to send their cloths abroad to be dyed.

The reader is not to imagine, because the party which Leicester headed was termed that of the barons, that therefore the barons of England had lifted against the king with as much unanimity as they did when the great charter was obtained from his father. The case was widely different; for, as I have often hinted, by the division of the great baronies, and the constant practices of the court for almost fifty years, a kind of intermediate degree of barons was introduced, among whom Leicester's great interest lay; but with this difference, that in London he was powerful only with the very dregs of the people. From these considerations he found it necessary, for his own safety, to give a farther degree of perfection to the scheme which he had before encouraged, if not laid down. He applied a balm, where he meant a poison; and considering only the security of his own person and power, by a happy turn of providence, and concurring causes, he provided for that of the nation. Writs therefore were issued from Worcester for a parliament to meet at Westminster on the 22d of January, unto which not only the spiritual and temporal peers were summoned, but writs were likewise directed to the abbots and priors of England; and summons sent to the sheriffs of the counties, to elect and return two knights for each shire, and two citizens, and as many burghers, for each city or borough of England, and for each of the Cinque-ports as many barons. Here, it must be confessed, we have the first plain and evident out-lines of an English representation as it is now modelled, none prior to this being extant on our records. Our

A. D. 1265.

Montfort supported by the smaller barons and dregs of the Londoners.

A parliament at Westminster.

The original of commons in parliament.

(1) While these barons were in this power, Montfort extorted from the prince a grant of the inheritance of the earldom and honour of Chester, with its appurtenances; and caused another patent, dated December the 24th, to be sealed in the king's name, for ratifying of it. He passed also, on the 20th of May following, another patent of that earldom and honour, as also of the castle and honour of Pec, with the castle and town of Newcastle Underline in Staffordshire, to himself and heirs. Nor was the earl of Gloucester unmindful of himself; for he procured a grant of all the small estate of John de Warren earl of Surrey, who had faithfully adhered to the king, lying in England, except the castles of Ryegate and Lewes. Nor did Peter Montfort forget to enrich himself; for having obtained the government of Whittenton castle in Shropshire, and of Hereford castle, and other things of value, for a further conveniency in his high trusts, he procured a grant of prince Edward's lodgings at Westminster. Brady's Introduction, p. 136.

(2) We have, in the continuation of Matthew Paris, another (but a more frivolous) reason for the beginning of the difference between Montfort and the earl of Gloucester: for we are told, that Montfort's sons had proclaimed a tournament to be held at Dunstable, against the earl of Gloucester, but that old Montfort, in a great passion, forbid any such proceeding by his sons, under the pain of their being shut up where they should neither see sun or stars. This proving a prodigious disappointment to all Gloucester's friends, who had been at great expence in fitting themselves out for the tournament, helped to increase the enmity between him and Leicester. P. 671.



A. D. 1265.

A. D. 1265.

historians and antiquaries are divided in their opinion whether these were the first summons of that kind. I am apt to believe they were the first summons of that form; but that the commons, before that time, had a deliberative voice in parliament, though not summoned by their representatives in the same manner as at the juncture we now describe. But indeed it is no wonder if, in so uncertain a state of government, frequent deviations were made from the common forms of proceeding in parliament. For, to prove what I have hinted, that the cause of Leicester was not looked upon as the cause of the nobility, only a few great nobles had been now summoned to this parliament; but of the clergy a great number were called. We shall find, afterwards, that the policy of Henry took the same turn, both parties being afraid of trusting their concerns with the real barons. But Montfort, in this, was inexcusable, since so inconsiderable a number of great barons were specially summoned, and the rest omitted, in direct violation of the provision in the great charter.

The parliament deliberate upon the means of prince Edward's freedom.

Montfort began now to find the royal party growing very strong, and that the spirit of the public ran high against him, for detaining prince Edward so long in prison. The professed end of this parliament was to deliberate upon the means of his freedom. This was popular and plausible; it gained the attention of the public; and the cabal of Leicester's favourites had already drawn up preliminary articles for the assent of the king and prince Edward.

These articles, after rehearsing, by way of charter from Henry, the late proceedings of the government, contain a very strong act of indemnity, amnesty, and pardon, for all past transactions and offences on either side; but both father and son are strictly tied up from violating the late ordinance; and it is made felony in any subject to assist them, should they attempt it. The great charter and charter of forests are likewise confirmed under the most solemn acts of both parties.

Then, in another transcript of the form of this agreement, we meet with the particular stipulations made for the deliverance of the prince, which were as follow: First, Prince Edward was to take care, that the knights, or the military tenants, in the marches of Wales, should perform what they had promised; and, if they did not, that he would become their capital enemy, and compel them to it by force of arms. Secondly, He promised, that, for three years next ensuing, he would not leave the kingdom without the consent of the king's council of barons. Thirdly, That he would neither bring over himself, nor procure to be brought over, any foreigners into England; and that, if any came, he, being thereto re-

quired by the said council, would do his utmost to subdue them. Fourthly, That whereas the king had, before the battle of Lewes, openly defied the earls of Leicester and Gloucester, with their adherents, therefore all the freemen of the kingdom should renew their oath of fealty to the king; still saving all the articles above-mentioned. Besides which, there were also these private ones relating to the prince, viz. That he should immediately make over to the earl of Leicester the castle and town of Chester, together with the county, in fee; as also the castle of Pec, and Newcastle Underline, together with their appurtenances, in lieu of other lands in England, which the said earl had made over to him in fee, near the value of the lands he had parted with. Also the castle of Bristol, with the town, and its appurtenances, were to remain in the hands of the earl until all these things were performed, who was yet to be answerable to the prince for the issues and profits thereof (the charges in keeping the said castle being deducted;) and this was to be done within two years ensuing; after which, the said castle and town, &c. were to be delivered as a pledge by the appointment of the king's council, and of the good men of the kingdom, in the same manner as five other castles of the king were also to be held by those appointed by the discreet or wise men of the kingdom. To this agreement the king, and prince Edward his son, with the lord Henry, son to the king of the Romans, the bishops of London, Worcester, and Winchester, and divers other bishops, together with the priors of the orders of the knights-templars and hospitallers, as likewise the mayor of London, did put their seals. This bears date at Westminster in the parliament of London, on the 8th of March, 1264-5.

Thus the main business of this parliament was settled in a manner so dishonourable to the royal blood, that nothing but the apparent danger of their persons could have excused their accepting it. But the party was now to be considered only as ruffians and robbers, by their scandalous treatment of the prince and his cousin, in violation of the mise of Lewes. All agreements, therefore, with them were void in themselves, they having first broke all faith.

In this posture stood affairs at the opening of the parliament in the year 1265, when the (1) earl of Gloucester began to give evident signs of discontent at the management of affairs. He complained of the particulars I have already mentioned, and likewise very properly insisted upon Montfort's dismissing from the garrison of Dover, and out of all the other garrisons, his foreign troops. As Montfort could not, with any degree of decency, pretend to keep them, at a time while

The earl of Gloucester disgusted at Montfort's proceedings; and why.

(1) Mr. Tyrrel has, from not observing the words and manner of Wykes, been drawn into many mistakes in his narrative of what was done at this juncture. He has supposed that the marchers were sentenced to banishment, and the earl of Derby put into the prison; that the earl of Gloucester had escaped, and that Gifford had escaped before the meeting of this parliament, when they were in danger of being all condemned by a council of the nobility previous to the parliament. The historian, indeed, speaks of such a council of Montfort's party, in which the resolution was taken for proscribing the marchers, as I have laid it down; but it is plain, from the words of the annalist (in ipso parlamento, says he) that the impeachment of the earls of Gloucester and Ferrers, with that of Gifford, happened not till after the parliament was met, especially as we find the earl of Gloucester expressly comprehended in the act of indemnity.



A. D. 1265. the nation was just recovering from a war, undertaken to keep foreigners out; the annals of Waverly say the request was complied with; and perhaps to this compliance, chiefly, Montfort owed his fall. But as it was by no means for Montfort's interest to have it as yet publicly known that there was any division among his party, even the royal authority was interposed at first to make it up; but that failing, to stifle all discourses of such differences, the sheriffs and other officers of justice were ordered to apprehend all those who should spread them. But this absurd method served only to propagate them the more.

The lords marchers, who had suffered so much for their attachment to the royal family, had been encouraged to enter into a correspondence with the earl of Gloucester, who promised them refuge and protection. It was not long before they had occasion for both; for Montfort, either suspecting that correspondence, or still fearing for himself if they should remain in England, in a council held previous to the meeting of parliament, not only pressed their leaving the kingdom, but that the place of their banishment should be Ireland, and the term prolonged from one to three years, to commence from Easter following. The marchers thus proscribed, instead of obeying this sentence, took refuge in the estate of the earl of Gloucester. This served very opportunely to Leicester, as a handle for impeaching and ruining Gloucester for harbouring rebels, and he accordingly was meditating to send him to prison; but that nobleman prudently withdrew from the parliament, with a select following, and fortified himself in his castles. He was followed by John Gifford, another baron, whose reputation and courage was dreaded by Leicester, and who was by him accused on frivolous grounds.

The great nobility of the nation, who had continued either neutral or attached to his party, now perceived that they were to be devoted for this Frenchman's ambition and security. The earl of Derby, a nobleman of vast power, had continued with arms in his hands; but had acted with neither party. His great following gave Montfort apprehensions that he might join the earl of Gloucester, upon which he had him committed to the tower of London.

The flight of the earl of Gloucester, and John Gifford, together with the imprisonment of the earl of Derby, and the open countenance given to the lords marchers, instead of security, gave Montfort distrust. Prince Edward was not discharged for some days, and at last, when he was, Henry, son to the king of the Romans, was not only obliged to remain a hostage till the first of August next, as security of his behaviour; but even the prince found himself no more than a prisoner at large. The same watchful eye as before was kept on his conduct; both his father and he were attended by the guards and spies of Montfort; and the castles of Dover, Scarborough, Nottingham, and Corf were, by public act, put into Leicester's

hands, to be held by him or his party for five years. The estate of the king of the Romans was likewise sequestered in the same hands, and repeated confirmations were made of the gift of the great county of Chester, and other lands, to that insolent rebel. Every place of strength was, by the king's orders, surrendered to his custody, or that of his creatures; and every suspected person was obliged to give him security for their behaviour.

But all was in vain. The dispute now became a dispute between the nation and a faction. Gloucester openly associated himself with the lords marchers, and fortified his castles. Upon this, Leicester, with the king and prince of England under his ward, advanced with an army towards the borders of Wales, and declared Gloucester and his friends public enemies. The latter at this time lay advantageously posted within the forest of Dean; and Leicester having fortified the city of Gloucester, made a shew as if he would attack him. But many reasons dissuaded him from this resolution. The Scots continued still in the interest of the royal family, and the northern counties of England, under the Bruces and the Baliols, remained still undebauched. Leicester, who expected that the presence of the king and prince would swell his army, perceived that the public saw through his arts, and that his forces were much inferior to his antagonist's. Neither was he sure of many of Gloucester's relations, among which was Robert de Clare, his brother. Add to all this, his son Simon Montfort, having left the siege of the castle of Pevensey, which still held out, was at the head of a strong army at Winchester, and was marching to Northampton, with an intention to join his father; in which case, the latter's superiority of forces would have been decisive.

While Leicester, therefore, lay at Gloucester, he amused his enemy with several proposals of an accommodation. But a secret correspondence by this time was entered into, by means of the lord Thomas Clare, between the earl of Gloucester and prince Edward. That young nobleman was another brother of the earl of Gloucester, and being in great favour with Montfort, was allowed to attend prince Edward as a lord of his bed-chamber. It was not long before (by means of this young nobleman, and an interview between Henry and Roger Mortimer) both the king and his son were entirely convinced of Gloucester's sincerity to serve them, and Edward immediately resolved to escape to him with the first opportunity.

The negotiations between Gloucester and Montfort were all this time going on, though both parties were insincere; Gloucester, that he might have time to concert matters for the escape of the prince; and Leicester, that he might be strengthened by his son's army. Fifteen days were spent in various altercations: the terms agreed on to-day, were broke off to-morrow; till at last Leicester resolved to retire with the king to Hereford; in which march he narrowly escaped being cut

The earl of Gloucester withdraws from parliament, and fortifies his castles.

The earl of Derby committed to the tower.

Prince Edward only a prisoner at large.

A. D. 1265. The estate of the king of the Romans sequestered in Montfort's hands.

The earl of Gloucester openly declares, and breaks off from Montfort.

A secret correspondence carried on by prince Edward and the earl of Gloucester.

Tho. Wykes.

Different views of Gloucester and Leicester.



A. D. 1265. cut off by Gloucester, who now throwing off all reserve, made himself master of all the adjacent country.

While Montfort remained in Hereford, matters had been so well managed, that Robert de Clare, and others of Gloucester's friends, were apprized of prince Edward's intention to escape, and those who were in the secret had the address to convey to the prince a fine horse, which belonged to the lord Mortimer. As there was still a great talk that a tournament might be held, it was no hard matter to persuade Montfort to suffer the prince, attended by Robert de Ross and a sufficient guard, to breathe his horses a little way out of the city. But no sooner did Edward get on the back of the fleet courser, than clapping spurs to his sides, he left his guards to carry home the news of his escape; for though they pursued him, it was not long before he reached a party which had been sent by the lord Mortimer to meet him, and who conducted him safe to the castle of Wigmore, where he met with John de Warren, William de Valence, and others his friends. This escape happened on Thursday in Whitfun-week.

On the 30th of May, Montfort compelled the king to issue out writs, raising all his military tenants to serve against the prince, and prohibiting his other subjects from giving him any assistance. And on the 8th of June following, a writ, issued by the same influence, was directed to the bishop of London, and the bishops of the province of Canterbury, enjoining them to excommunicate the prince and his adherents. A letter likewise was sent to the city of London, exhorting it to continue steadfast to Montfort's cause, and to exert itself against his enemies.

But all those precautions had little effect. The prince was joined by the earl of Gloucester and his party, and all the loyal marchers. He solemnly and voluntarily swore, that, in case he was successful, he would restore England to all its ancient laws and privileges, abolish all bad customs, and persuade the king his father to exclude all foreigners from civil and military posts or employments. Every body being satisfied with his sincerity, he received a seasonable supply of men and money likewise from William de Valence and Hugh Bigod; while John Gifford joining him with a brave body of Englishmen, he found himself strong enough to march towards Worcester. That city having voluntarily submitted, he became thereby master of the important passage of the Severn; and, by the 30th of June, he took the city and town of Gloucester, which were commanded by Richard de Ross and William de Vesey. Montfort was now in the utmost distress; the prince and the earl of Gloucester possessed all the passes on the Severn by which young Montfort, who had by this time advanced to Northampton, could relieve him; and a march through Warwickshire, and Shropshire, and from thence into Wales, was not only tedious, but almost impracticable. His best course, therefore, was to retreat from Hereford, in which city he was almost surprized

by the prince and the earl of Gloucester, towards Monmouth. This place had been lately fortified by the earl of Gloucester, but was now taken and demolished by Montfort, who destroyed all Gloucester's estate in those parts. But being driven from thence by John Gifford, he marched to Newport, which lying in the mouth of the Severn, almost over-against Bristol, gave him hopes of a speedy passage into England. With this view he ordered all the ships of burden to be sent from Bristol and the adjacent ports, to carry over the king, himself, and his army. Had this scheme succeeded, all the prince's measures might still have been broken; but the earl of Gloucester had been provident enough to man out a number of light galleys, which being well armed, and cruising up and down the mouth of the Severn, met with the earl's transports, of which eleven were sunk, and the rest obliged to return to Bristol.

Montfort's next resource was to throw himself into the arms of his old friend Llewellyn, prince of Wales; but the latter, resolving to make all the advantage he could of the present juncture, demanded, as the price of protection, a restitution to the inheritance of his ancestors. This was granted him by charter, and five strong castles put into his hands, which he instantly demolished. This protection, dear bought as it was, saved Montfort and his army for some time, and gave him hopes that he might yet make a successful attempt to join his son, who still lay at Northampton. But he was deceived; for though both the father and the son made a motion northwards, as if one of them intended to pass the Severn somewhere in Warwickshire; yet the prince was too active for both. For he no sooner heard that young Montfort had left Northampton, than drawing together all his forces, and leaving the passage of the Severn open, he resolved to attack him. Young Montfort was at this time in perfect security at Kennelworth, from whence he intended to march towards the Severn, imagining the prince to have been at a great distance. But the latter, by prodigious marches through Worcestershire, on the 1st of August, before day-break, so critically attacked the enemy, dispersed in the town, and without any scouts abroad, that most of them were cut in pieces, or taken prisoners. Among the latter were lord Robert de Vere, William lord Munchansey, and Adam of Newmarket; but Montfort himself escaped into the strong castle of Kennelworth, which had been given to his father by the crown, in part of his wife's portion.

Leicester, little dreaming of his son's misfortune, had, by this time, without any opposition, passed the Severn, with a design of shutting the prince up between the two armies. He accordingly marched to Ken-  
sey, and from thence to Evesham, where he made a halt. But it is now time to attend the prince, who not standing to amuse himself with the siege of the castle of Kennelworth, was now returned to Worcester, where he received intelligence of Leicester's having

A. D. 1265.  
Montfort lays waste the earl of Gloucester's estates.

Trivet.

The earl of Leicester makes a peace with Llewellyn prince of Wales.

Simon Montfort the younger defeated by prince Edward.



A. D. 1265, passed the Severn, and lying at Evesham. It does not appear that the latter, as yet, had any intelligence of his son's defeat. But the prince resolving to attack him in like manner, and fearing the report of spies, made a feint on the 3d of August, as if he intended to march towards Shrewsbury, or Stafford; but he had not advanced above two or three miles that way, before he turned short, passed the Avon at Cleve, thereby to cut off Montfort's communication with Kennelworth, and marching all night, was next morning within a very short distance of Evesham. But old Montfort was not a man to be surprized, however secure he thought himself. One of his domestics (his barber) had a peculiar talent of kenning armies from afar, and discovered the approach of the enemy. The prince foreseeing this, had ordered the standards taken from young Montfort at Kennelworth to be displayed, which imposed so far upon Montfort, that his troops were very near Evesham before they were discovered to be enemies. Thus old Montfort at first flattered himself it might be his son advancing to his relief; but being soon undeceived, and having a melancholy presage of the truth, he went himself to take a view of their approach; but finding them march in an excellent soldier-like order, he swore his usual oath: "By the arm of St. James, said he, "they advance like well-trained troops. It "was not from themselves, but from me, "they learned that discipline. God have "mercy upon our souls, for our bodies are "theirs." But, notwithstanding this, he was wanting in no duty belonging to a brave man, and an able general; yet, in all his dispositions, he seemed bent rather on revenge than victory. His son Henry, upon this, put him in mind that he ought not to despair; for that the chance of war was uncertain. "Son, answered he, I do not de- "spair; but I fear that your presumption, "and that of your brethren, has undone "us all. But if I fall, I hope it shall be in "the cause of God and of justice." He then marched out of the town; but traitorously obliged the king to buckle on his armour, and, though much against his will, not only to appear as the commander of the troops against his son, but to take a very dangerous post in the line of battle. The prince's army was all this time advancing in three divisions; the first commanded by himself, the second by the earl of Gloucester, and the last by lord Roger Mortimer.

The battle beginning, Henry, not being known, was in imminent danger of his life; for having received a wound in the shoulder, he was on the point of being killed, when he called out, "I am Henry of "Winchester, your king! kill me not." These words being heard by one Adam of Montalt, a knight, he rushed in and covered him from the fury of the soldiers; and the prince, piously snatching a little time from the duty of a general, to perform that of a son, ran in, received a hasty blessing, left his father guarded, and returned to the thick of the battle. But the enemy, by this time,

was broken, and Montfort's Welsh auxiliaries having thrown down their arms, numbers of them either perished by the sword, or in the flood of the Avon. Old Montfort, however, continued to make a desperate, though soldier-like, defence; at last, overpowered with numbers, he fell with his sword in his hand, and with him Henry Montfort his son, Hugh d'Espenser the justiciary, Peter de Montfort, William de Mandeville, Ralph Basset, Roger de St. John, and many other knights and esquires of note. Among the prisoners were Guy de Montfort, the earl's third son, John Fitz-john, Henry de Hastings. Thus fell this arch-rebel; and thus was dissipated a conspiracy of bold men, who had begun, and, had Montfort survived that day, would have completed, the ruin of the English laws and liberties. The body of the elder Montfort was dismembered, as a traitor; those of the other leaders, of inferior note, were buried by the monks of Evesham. By this battle the army of the rebels was totally ruined, while that of the prince only lost one knight and two esquires, whose names have perished through the ingratitude of the age, and the negligence of writers: but we must not forget that they tell us, that heaven seemed to proclaim the fall of Montfort, by a dreadful peal of thunder at the time of his death.

This important victory was followed by the deliverance of the king of the Romans out of prison, and the most illustrious captives of the king's party, who had been shut up by the Montfort family, and its adherents, ever since the battle of Lewes. The tower of London was given up by the wife of Hugh d'Espenser, though the earl of Ferrers still continued in it a prisoner. But the castle of Kennelworth was still held out by young Montfort, who had set the king of the Romans at liberty, that he might get the better terms for himself.

Henry being returned from Evesham to Worcester, his first measure was to revoke all the grants and other writings he had made to his own or the prince's prejudice. The citizens of Hereford were pardoned, upon paying a fine. The posts and trusts which had been filled up by Leicester, were filled up anew by the king, who receiving at this time a seasonable recruit of men from Ireland, marched triumphantly from Worcester to Winchester. Here a parliament was called, and all offenders had it in their power to make their peace by composition with the king, commissioners being appointed to treat with them, but more especially with the barons of the Cinque-ports.

In this parliament the case of the city of London came under consideration. This city, to speak the truth, had been the root from whence the spreading tree of rebellion, lately cut down, had sprung; yet is it hard to say, whether its provocations or demerits were the greatest. Henry and his family were exasperated with it beyond measure; and the parliament which then met was mad with loyalty and their recovered constitution. None were admitted to it besides those who had

Prince Edward's expedition to Evesham.

Saying of Montfort.

The order of the battle of Evesham.

The king wounded in the shoulder.

The earl of Leicester and his son killed.

The king of the Romans set at liberty.

and the tower of London surrendered.

Kennelworth castle still held out by young Montfort.

The king revokes his grants,

and pardons such who had taken up arms against him, upon paying certain fines.

A parliament at Winchester.

which considers the case of the city of London.



A. D. 1265.

The members  
who compose  
it.

Conjecture.

had either been firm to the royal cause, or had been neutral: Not that Henry presumed to create any person a baron of parliament by writ, though he was not a tenant by barony; but he laid hold of the stipulation in the great charter, and none were admitted to parliament but they who had writs. Accordingly I am inclined to believe, that it was this parliament in which not above thirty of the lay nobility were present; though we find none of the bishops absent, excepting those of Lincoln, London, Worcester, and Litchfield. The annals of Waverley have indeed led our modern historians into a mistake. They tell us, that all the noblemen in England were called to this parliament; but, with submission, by this cannot be meant that they had writs directed to them to assist in it, but that they were summoned to appear before it. For the annalist at the same time, and in the same expression, informs us, that all the wives of the earls, barons and knights, which had fallen or been taken in war, were also called (1). It is true, he tells us immediately after of the four bishops who were not present, though they were summoned; but this summons seems to have been by way of citation, and not a writ; and the reason why they did not appear might be, because, being priests, they demurred to the authority by which they were to be judged. This conjecture of mine is strengthened by the testimony of Thomas Wykes, who expressly tells us, that he summoned to parliament all the peers (2) who were of his party; but chiefly it is strengthened by the form of proceeding in such cases, when it was absolutely necessary that the delinquent should be cited before judgment could be pronounced.

And here it was in Henry's power to have put a happy and a glorious end to civil commotions. But Henry was a stranger to moderation: rapacious, revengeful; instead of pardoning generously, or punishing justly; the estates of all who had been in arms against him were immediately confiscated; and thus despair, that fruitful fountain of civil calamity, became the only refuge of the proscribed. The loyal parliament gave the king immediate seisin and possession of the confiscated lands. Commissioners were sent down to the several counties where they lay, who, with the sheriffs, were to return the extents of the same by the 13th of October following; and, in the mean time, the rents were sequestered into the hands of collectors. It would seem likewise, that as if some hasty, though general, sentence had been decreed in this parliament against the city of London.

But while they were thus furiously proceeding against the late rebels, an account came that prince Llewellyn, at the head of an army, was making a formidable progress

in Cheshire, where he had taken and demolished the castle of Hameclin. This occasioned a prorogation of the parliament to Westminster, till the 13th of October following. In the mean time Henry received an account that the lord Maurice Fitz-gerald and Haimon L'Estrange, whom he had sent against Llewellyn, had been routed with all their forces, and obliged to make an inglorious retreat. But neither this news, nor the plain intimations of a new rebellion, could prevent Henry from prosecuting his resentment against the city of London, in a manner that was unworthy a man or a king. From Winchester he came to Windsor. Here the magistrates of London, having over-ruled the madness of the Montfort faction, who were for burying themselves in the ruins of their city, met him by their deputies; but with a safe conduct for their abode and return, which was to last for four days. They brought with them an absolute submission to Henry's will; in consequence of which all the posts and chains, which had barricaded the city, had been already pulled up by Sir Roger Leyburn, who was sent by the king for that purpose. But Henry preferred an unmanly, yet impotent, gratification of his resentment, to wiser or more amiable measures. Notwithstanding their free conduct, the commissioners from the city were shut up in several prisons, where they were ignominiously treated; and the mayor and four of the principal among them were forced to pay a composition for their estates, liberties, and lives. This unfaithful severity made many of the principal citizens retire with their effects; and Henry followed it, by displacing all the magistracy of the city, and appointing, by his writ, Humphry de Bohun earl of Hereford, John de Baliol, Roger de Leyburn, and Roger de Walerand to be guardians of the same.

After several other acts of severity, which rather exasperated than amended, the parliament, according to its prorogation, met at Westminster. Here the king was actually vested in the lands of all the disinherited rebels; and we find a charter, dated the 26th of October, bestowing upon prince Edmund, who by this time had renounced all pretensions to the kingdom of Sicily, the estates of the late earl of Leicester and Nicholas de Segrave. Other estates were given to other favourites; some had the liberty to compound for ready money; the earl of Derby was freed from prison, and restored on certain conditions. The city of London, after various harassments, and sixty of her principal citizens losing their houses and effects, which were divided among the king's favourites, was fined fifty thousand merks; and the government of the city and tower was then committed, by the king, to one Sir John de Linde, and John Baldwin a clerk.

(1) Ad festum exaltationis sanctæ crucis factum est parliamentum magnum apud Wintoniam, quo vocati sunt omnes magnates terræ, et omnes uxores comitum, baronum, militum in bello occisorum, vel captivorum in persona exilentium. Mandati sunt insuper omnes episcopi, abbates, priores baronias tenentes cum servitio domini regis debito. Exceptis quatuor episcopis, qui vocati ibidem non fuerunt, scilicet episcopus Lincolnæ, episcopus Londoniæ, episcopus Wyrcestræ, episcopus Cestriæ. Anal. Waverl. p. 220.

(2) Rex tanta potitus victoria, se cessit Wintoniam, ubi in nativitate beatæ virginis, adherentes sibi magnates Angliæ convocavit, et consummato parlamento se transtulit Windeshore. Chron. Th. Wykes, fol. 71.



A. D. 1265.

The inhabitants of the Cinque-ports rebel,

and burn Portsmouth.

Dover castle surrendered to prince Edward.

The countess of Leicester retires to France.

The queen and prince Edmund return from France.

Young Montfort leaves Kennelworth castle, and seizes the island of Axholme in Lincolnshire.

[See p. 541.]

The late parliament had given no great satisfaction to the nation; and the inhabitants of the Cinque-ports, which were the chief naval force of the kingdom, were so much exasperated at Henry's severe treatment of the Londoners, that they put to sea with a squadron, with which they took and burnt to the ground Portsmouth, and committed several other acts of piracy, highly detrimental to the commerce and navigation of the kingdom. Their resentment was not a little heightened by the severity of prince Edward, who had hanged up some of the townsmen of Winchelsea. But one favourable incident happened to the king at this time. The castle of Dover had all along remained in possession of the Montfort family; but the prince now received accounts that fourteen gentlemen, who had been prisoners there for the royal cause, had, in confederacy with their keepers, surprized the main tower, and were bravely defending it against the garrison. Edward immediately marched thither, and the garrison, after short resistance, delivered up the place upon honourable terms. Among those who surrendered was the countess of Leicester, aunt to the prince, who passed the remainder of her disconsolate days in a monastery abroad.

This fortunate event encouraged the queen, who, with her son, prince Edmund, had all this time remained in France, to return to England. She was attended by Ottobon, the pope's legate, who came loaded with bulls against Montfort and his accomplices from the pope, who had not heard of Henry's success. But it was not long before the disaffection at the late severities broke out into a fresh rebellion. Simon Montfort was still in possession of the castle of Kennelworth, the strongest fortification of any then perhaps in Europe; and he had with him two bold barons, John d'Ayvil and John de Wake. The intercession of the king of the Romans in favour of young Montfort having proved in vain, the young nobleman found himself a proscribed exile. Being at the head, however, of a desperate body of men, he left a strong garrison in the castle of Kennelworth, and issuing out with the foreaid barons at the head of their remaining troops, seized upon Axholme, the same island which had been fortified by Moubay, in the reign of Henry II. There they barricaded themselves so strongly, that it became a secure receptacle for all the disaffected party, whose numbers

in a short time became formidable. Though it was now towards the end of November, Henry was obliged to set out to crush this rebellion before it should grow too strong. He ordered a rendezvous of his troops at Northampton, and prince Edward had the charge of reducing the rebels. It was three days after Christmas before this service could be performed, and not till after great labour. The terms granted to the rebels were, That Montfort their leader, and his accomplices, should stand to the award of the king of the Romans and prince Edward, and submit to whatever they should decree, provided it did not extend to their lives, limbs, or perpetual imprisonment. Young Montfort then surrendering himself, was presented to Henry, who pardoned him, at the earnest intercession of the king of the Romans, upon his promising to deliver to the king the castle of Kennelworth, and to retire out of England, upon his being paid an annuity of five hundred merks out of the royal Exchequer.

Henry continued all this time at Northampton, where he kept his Christmas, and held a court. Here it was decreed, that, in every county in England, an officer should be maintained, who, in conjunction with the sheriff, was to suppress the vast numbers of robbers and thieves, who now infested every corner of England. It was in this court that Henry was finally reconciled to the city of London, its fine, by the intercession of the pope's legate and the queen, being reduced to twenty thousand merks: but they were, though upon very mortifying terms, restored to all their privileges, trade and navigation. The reader may consult the notes (1).

Henry found so much business towards the north, that it was the beginning of February, 1266, before he returned to London, to which place he carried with him, as prisoner at large, Simon Montfort. This young nobleman, not chusing the terms on which he was offered freedom, or rather exile, stole away to Winchelsea with several of his followers, and entering on board some ships, commenced a piratical life. But prince Edward soon after having reduced that town, and by the advice of the earl of Gloucester having pardoned Henry Pehan, the ring-leader of their rebellion, this clemency won so much upon the Cinque-ports in general, that they submitted to the government. The terms they obtained; however, were very

A. D. 1266.

Surrenders, is pardoned, and upon what terms.

Robberies suppressed.

The king reconciled to the city of London.

Simon Montfort steals away, and commences a pirate.

(1) Whilst the king continued at Northampton, not long before Christmas, the citizens, by the intercession of the queen and the pope's legate, compounded with the king, upon their obliging themselves to pay him the sum of twenty thousand merks, for a full remission and pardon of all their treasons and misdemeanors; reciting, That whereas they had made a fine of twenty thousand merks for their said offences towards him, his queen, king Richard his brother, and his son Edward; therefore the king gave them leave again to receive the rents of their lands and tenements, within the city and without, due himself or his son Edward in the late war, and had been or were to be indicted; except the goods and chattels of those persons (already mentioned) which he had given to his son Edward, with diverse other exceptions, needless here to be repeated. And then he further granted to the citizens, liberty to trade by land or by sea, as freely as they had done in former times, discharging them from all custom, toll, &c. until the state of the city should be fully settled by his council; and further ordered, That no citizens, who in the late troubles had notoriously appeared to have been enemies to himself or son, for the future should abide or be conversant in the city. This pardon is dated at Northampton, the 10th of January, as remains upon record in the tower (Rot. Pat. 50 Hen. 3. m. 35.) in a schedule fastened to the roll, the original of which is in the custody of the city. [Tyrrel's Hist. vol. iii. p. 1060.] The king at the same time sent an order to John Walerand and London, according to a form granted in his said letters patents, That they should therefore release the pledges or security of the citizens whom they had in their custody, and permit them to go whither they would, except those before excepted. The like letters were directed to the constable of Rochester castle, with the same test, viz. the king at Northampton, dated the 11th of January. Ibid. p. 1061.



A. D. 1266.

*The Cinque-ports restored to their ancient privileges.* honourable. They were to enjoy all their ancient privileges and immunities, without any censure for what they had acted, and without being obliged to make restitution for any damages they had done. This act of clemency in the government was followed by another; for the proscribed barons and others were allowed till Easter following for coming to court, and making their composition with the king for their estates. Henry likewise wrote to the clergy of England, ordering them to pay in to the bishops of Bath and Litchfield the tenths, which, while he was in Montfort's custody, had been by them collected for the pretended defence of the church and state of England, that they might be applied to the real defence of the same.

*The insolence of the garrison of Kennelworth castle.*

But all those acts of popularity were not sufficient to make the bitter terms, with which the measures of the government in general were attended, go down. The castle of Kennelworth still held out, and the garrison behaved with so much insolence, that they cut off one of the hands of a royal herald, sent to summon them to surrender. They sent Henry word at the same time, that they were not to be bound by the compromise made by young Simon Montfort; that the castle belonged to the countess of Leicester; that from her they had received the custody of it, and that to her alone they would deliver it up. Those proceedings provoked Henry to summon all his military force in the kingdom to meet him at Oxford, for the reduction of this castle. From Oxford he marched, at the head of a great army, to Northampton. Here he had an account that some rebel-barons had surprized and plundered the city of Lincoln. This news obliged him to remain for some time at Northampton; from whence he dispatched prince Edward, with a body of troops, to recover Lincoln. But the disaffection at the measures of the government was spread farther than Henry or his court conceived. The earl of Derby was now in arms, and had been joined by John d'Ayville and Bernard Wake. This news disconcerted Henry's scheme for reducing Kennelworth castle. All he could do was to send his son, prince Edmund, at the head of a flying party, to restrain the excursions of the inhabitants; while he dispatched Henry, son to the king of the Romans, with another body, to the north-west counties, which were now cruelly harassed and plundered by the earl of Derby and his associates. Prince Henry was fortunate enough to surprize the rebels in Chesterfield, on Whitsun-eve; and, after cutting great part of them in pieces, to take prisoner the earl of Derby, who was sent to Windsor castle: but d'Ayville and Wake escaped by flight.

*The earl of Derby sent prisoner to Windsor castle.*

*History of prince Edward and Adam Gurdon.*

Henry being thus engaged with two sets of rebels, prince Edward was engaged with a third, more dangerous than either; they

were headed by Adam Gurdon. This nobleman's estate lay in Hampshire, near Winchester, and his original was French. The severe measures of the government had disgusted him; he scorned to submit his property to be made the job of a rapacious court; and the great character he had acquired in the field under Montfort, made prince Edward look upon him as an object more fit to grace his arms, than the conquest of a thousand Plebeian nobles. So jealous was he of this glory, that, unwilling either fortune or his troops should put in for a share, he commanded his soldiers that when they saw Gurdon and himself engaged hand to hand, none should interpose. The rebel lay between Alton and Farnham. He was attended by but a handful; but those resolute, brave, and subsisting upon the contributions under which they laid the estates of the royal party. The access to his camp, or rather haunt, was covered by bushes; it was gloomy, winding, and impervious to all but himself and his followers. Edward watched his motions: he perceived him returning from one of his excursions, at the head of his party: he attacked him hand to hand. The rebels and the royalists kept a respectful distance from their several leaders. Adam was animated by the honour of employing the sword of his sovereign's heir, and Edward by the no less glory of subduing so brave a man. After a fierce dispute, in which neither had the pre-eminence, Edward, in love with congenial virtue, offered his antagonist life, fortune and freedom, as the price of his friendship. The other embraced the proposal; he delivered up his sword to his prince, who that night presented him to his mother at Guilford, with the highest encomiums of his courage; and Edward ever after prized his friendship, and loved his person (1).

Prince Edmund, who was sent to restrain the excursions of the desperate garrison of Kennelworth castle, first marched to Warwick, and from thence advancing near to the castle, was attacked so furiously by the garrison, that he was obliged to retreat to Warwick with great loss. Here his father Annals of Waverly. marched up to his relief with a fresh body of troops, and all the necessary engines for battering or besieging the place. On Midsummer-eve the siege was formed; but, notwithstanding the bravery of Henry's troops, he could make but very small progress, and, after sustaining much loss, was at last obliged to change the siege into a blockade. Otton, the papal legate, next essayed to persuade the rebels to surrender, and was backed by the instances of the archbishop of Canterbury; but in vain; upon which they were excommunicated.

*The garrison of Kennelworth castle excommunicated by the legate. Life of Ely seized by d'Ayville.*

This obstinate resistance of a single castle against a royal army encouraged the rebels in other parts; and Bernard Wake, with John d'Ayville, who continued still in arms, they

(1) Some of our authors have given the prince a cheap victory, and say, that as he advanced before his troops, he jumped in the intrenchments of the rebels, where he had a desperate engagement with Gurdon, whom he conquered, and then sent prisoner to Windsor; but the best authorities (Trivet, Weisminter, and other) have delivered the particulars of this extraordinary combat exactly as I have.



**A. D. 1266.** about the beginning of August seized the isle of Ely, and from thence extended their ravages all over Norfolk, Suffolk, and Cambridgeshire.

bert Wallop, and Warryn de Basyngburn; **A. D. 1266.** one of which probably acted in the place of Walerand, who was a foreigner; but all of them were under the inspection of the legate and the king of the Romans.

A parliament at Kennelworth.

Twelve persons appointed to make a decree concerning the disinherited barons.

It was plain, from those repeated and general disorders, that somewhat, in the way of moderation to calm the turbulent spirit of the times, was wanted. With this view a parliament was summoned to meet, on the 24th of August, at Kennelworth town. Here the bishop of Exeter, the bishop of Bath, the bishop of Worcester, Sir Alan de Zouch, Sir Roger Sommersy, and Sir Robert Walerand, were nominated to chuse six other associates out of the nobility or clergy upon oath; and these twelve were to settle the affairs of the kingdom. This was the more necessary, as the disaffected had been very industrious in giving it out, that the disinheriting the barons was an arbitrary proceeding of the king, and had been done without the judgment of his court. Henry had indeed made proclamation before, that all who thought themselves aggrieved might complain, and be redressed according to the laws of the land. But this had little effect; and the committee now went, with full powers both from the king and parliament, upon the fact and case of the disinherited. A writing was drawn up, which has been since known by the name of the Dictum de Kennelworth, and contains a kind of a state of those cases which had incurred the penalties of treason. They are as follow:

The decree called Dictum de Kennelworth.

Brady:

All who began the war, and persevered in it.

All who violently and maliciously kept Northampton against the king.

All that fought against the king at Lewes.

All that were taken at Kennelworth, under the command of young Simon Montfort, who had plundered Winchester, or were in any other place against the king, which he had not pardoned.

All fighting against him at Evesham.

All that were in the fight at Chesterfield.

All that freely lent their service (that is, their horse and arms) against the king or his son.

All bailiffs and servants of the earl of Leicester, that plundered their neighbours, burnt their houses, or killed them, or did other mischiefs.

All who came under the denomination of one of the above cases, were amerced in the value of their lands for five years, or obliged to redeem the same by paying down money to that value; in which case their estates were restored in proportion to the money they paid. Smaller offences were to be punished with less severity; and Henry was restored to the exercise of his royal authority, which had been abridged by the Oxford provisions, all obligations in consequence of them being declared void. Such were the chief articles of this famous instrument, which, besides the commissioners already mentioned, was drawn up by the bishop of St. David's, the earl of Gloucester, the earl of Hereford, Philip Basset, John Bayliffe, Ro-

Though this composition has, I think, **Remark.** escaped without censure, nay, has been much applauded by our historians; yet, considering the exhausted state of the nation, nothing could be more unjust and impolitic. It was, in effect, a proscription of all who had borne arms against Henry, without making any distinction as to those periods when opposition was lawful or unlawful. This appears plainly to have so much disgusted the earl of Gloucester, who without doubt was one of the greatest men of that age, that the repose which ensued was but short-lived. It is more than probable, that he had promised his friends, who were still in arms, or who had upon his persuasion laid them down, that he would take care the censure inflicted on them should be very slight; which was the fairest way of restoring public tranquility.

The castle of Kennelworth continued still besieged; nor had the Kennelworth provision at all abated the fury either of the garrison or the other rebels, who still kept possession of the isle of Ely. But the former, having consumed all their provisions, were in danger of being starved to death. This proved more dreadful than all Henry's efforts against that impregnable place. They offered to capitulate, and to deliver up the castle, if not relieved by Simon Montfort in forty days. This offer was joyfully accepted by Henry, notwithstanding all his high resentment for the affronts they had put upon him, and their desperate resistance. Hostages were given by the garrison for performance; and on the 13th of December the garrison, from whom famine had almost taken away the human countenance, marched out, not only with all the honours of war, but with the rich booty they had taken in their sallies upon the adjacent counties. Thus ended a siege as remarkable as any we have in our history; and Henry, having taken possession of the castle, bestowed it upon his son prince Edmund, whom he created earl of Derby, and vested in the lands belonging to that attainted nobleman.

Kennelworth castle surrenders.

But neither this event, nor the excommunication pronounced against them by the legate, deterred the rebels in the isle of Ely from their ravages; they even, about this time, marched out in a body, and plundered the rich city of Norwich, to the value of above twenty thousand pounds. The town of Cambridge underwent the same fate; and they carried off along with them several of the most eminent citizens, whom they obliged to ransom themselves at exorbitant rates.

The rebels of Ely plunder Norwich and Cambridge.

It appears that the provision of Kennelworth did not receive its solemn sanction at that place, which was both small and inconvenient, by reason of the siege then carrying on. The parliament therefore was adjourned to Northampton, where a synod was held at the same time. Here the Kennelworth provisions were solemnly reviewed

A parliament at Northampton confirms the statute of Kennelworth.

and



A. D. 1267. and confirmed, and excommunications repeated against all who still continued in arms.

The king makes a grand entertainment; at which he makes the pope's legate sit above him.

A parliament at St. Edmundsbury.

The earl of Gloucester's conduct.

The rebels of Ely refuse to lay down their arms.

The year 1267 was opened by a meeting of the nobility, held, by Henry's orders, with a view of softening the earl of Gloucester, and reconciling him to Mortimer. The last-mentioned nobleman, who, with his family, had ever been firmly attached to Henry, had received large gifts of the forfeitures, possibly of Gloucester's friends. Gloucester had likewise other causes of discontent: he pretended that neither the king nor the prince had kept faith with him; and that the former was as much as ever under the influence of foreigners. In short, he again declared for the Oxford provisions, and besought the king to remove all strangers from his councils and person. Henry was at this time at Westminster, where he made a magnificent entertainment for his noblemen; and was mean enough, in acknowledgment of inferiority, to sit below the pope's legate, who filled the chair of state. We need not enquire farther than this fact to see the reasons why an English nobleman of Gloucester's spirit refused to assist, as he did, at so mortifying an interview. Instead of that, he retired to his own estate on the borders of Wales, and was levying forces with all expedition. A parliament was summoned the beginning of February at St. Edmundsbury, from which place all who owed Henry personal service were required to march against the rebels in the isle of Ely; but Gloucester both declined the service and the attendance. Upon this, John de Warren and William de Valence were sent to reason with, and to require him to return to his duty. Gloucester's answer was full of submission, yet such as expressed his discontent. He even gave it under his hand and seal that he never would carry arms against the king, or his son, but in his own defence; but, at the same time, that he was obliged to be upon his guard against Mortimer and his other enemies.

Henry was so bent upon reducing the rebels in arms, that he either did not, or could not, see to what this evasive answer of Gloucester tended. The business of the parliament at St. Edmundsbury went still on. Henry made several unjust demands upon the clergy, particularly that the tenths for three years should be paid him for guarding the coasts, that their church livings be taxed up to their real value, and likewise the rents of their baronies and lay-fees collected to their real value; and that those ecclesiastics who held military tenures should march to the field in person. These and several other demands which were made, were absolutely refused by the prelates, some upon just, and some upon evasive grounds. Henry's expedition, however still went on. He endeavoured, indeed, at first, to reclaim the rebels, by the admonition of certain bishops sent among them by the pope's legate; but their mediation proved ineffectual. The rebels refused to lay down their arms before they were restored to their estates without diminution, and before the king should dismiss

strangers from his councils, and observe the Oxford provisions.

A. D. 1267.

The conferences thus breaking up, and Henry finding it impracticable to force them by his land army, sent for a number of vessels from Ipswich, Dunwich, Yarmouth, and Lynn. These he filled with soldiers, who attempted to get a footing in the place; but being always repulsed, he withdrew to Cambridge, with an intent to block up all the avenues and openings to the island. This expedient proved both unsuccessful and expensive. Henry continued all Lent without doing any thing to purpose; and, about Easter, he received news, that the earl of Gloucester, at the head of an army, had seized upon the city of London.

The earl of Gloucester seizes London with an army.

That nobleman had been so much exasperated, that he entertained a secret correspondence with the rebels within the isle of Ely; and d'Ayville, their chief ringleader, now joined him with a strong detachment. Gloucester having never declared himself against the king, had been admitted into the city of London, partly through the credulity of the legate, not suspecting his designs, but principally through the affection of the common people favouring his party. It does not, however, appear, that the earl made any very bad use of this advantage. Upon the legate's refusing to deliver up the tower, he retired into Southwark, where, by a previous agreement with the magistracy of London, he had taken up his quarters. The Londoners, indeed, had not so good an opinion of d'Ayville and his crew; for they drew their bridge and shut their gates against them; but Gloucester's party soon getting the better, the mayor was turned out of his office, the temporary exercise of which was given to Richard de Culworth, with the title of chief bailiff, under the earl of Gloucester. This created a new alteration in the face of affairs. The common people, who were almost unanimous in the earl's interest, were guilty of several excesses, unavoidable at such times, and upon such occasions. All who were prisoners for rebellion were set at liberty, and the royal party, in their turn, were harrassed, plundered, and imprisoned. Gloucester, all this time, coloured his conduct with the most specious pretences; and, in particular, declared, that as soon as the constitution was restored in the terms which had been so often sworn to by Henry, and the proscribed restored to their estates, he would lay down his arms. It is certain that, however bigotted authors have railed at the conduct of this nobleman, he was now very moderate; and, notwithstanding his being obliged to go farther than the strict bounds of duty, I am apt to believe, that in his heart he was a worthy Englishman. For though Henry was then at Cambridge with one army, and his son in the north of England, where he reduced the lord John Vescy, and recovered the castle of Alnwick, with another; yet we find Gloucester running into none of the sanguinary proscriptions and impious murders so common with the Montfort

His character!



A. D. 1267.  
Besieges the  
legate in the  
tower.

fort family. It is true, he besieged the legate in the tower, and the legate put the city under an interdict, and was obliged, for the defence of his person, to put arms in the hands of the Jews, who seem then to have taken refuge in the tower.

Their resistance was so brave, that Henry having given over his expedition against the rebels, had been joined by his son prince Edward, and they advanced as far as Windsor, about three weeks after Easter, with a very fine army. The first thing they did was to relieve the legate; but then they thought proper to retire to Stratford, about three miles from London, where they lay for some time, neither party chusing to venture a battle. It was impossible, in the mean time, for the earl of Gloucester to restrain the frantic rabble of London from many violent and impious acts, and the city being blocked up on the Essex side, the earl was obliged to draw his provisions from the counties of Kent and Surrey, to the great impoverishment of the inhabitants. But the city began now to be more distressed than ever, by the arrival of a great naval force from the continent, under the command of the earls of Bulloign and St. Paul. Those ships blocked up the mouth of the Thames, and straitened the earl so much, that he was afraid of a famine both in the army and the city. Henry, on the other hand, was not without his difficulties: he had no money, and he was obliged to pawn the jewels, plate, and images which belonged to Westminster-abbey to supply his present necessities. This was done by a writ directed to the abbot and convent of Westminster, dated at Stratford the 28th of May. At last, about the middle of the next month, a treaty was set on foot between both parties, by the mediation of the king of the Romans and lord Philip Basset. The terms concluded upon were such as demonstrate, that though the earl of Gloucester was greatly distressed, yet Henry did not think it proper to treat him upon the footing of a rebel; for all offences committed by the earl, since his last march from Wales on the first of April, were pardoned, and the Londoners comprehended within the same article. The dictum or decree of Kennelworth, however, was to stand upon the same footing as formerly; and the earl gave security for performance in the penalty of ten thousand marks sterling. However, if any difference or doubt should arise, it was to be referred to the pope. This great point being settled, the earl laboured for the pardon of his associates, particularly John d'Ayville and Nicholas de Segrave. As they had acted in effect only by a commission under him, there was the less difficulty in obtaining their pardon; and the city of London had, at the same time, a full acquittance of all rancour and resentment which the king had entertained against it, on account of its late conduct. Matters being thus settled between Henry and the earl of Gloucester, nothing now remained but a hearty reconciliation between prince Edward and

the earl. This, by the application of the king of the Romans and his son prince Henry, was at last effected, in a great meeting of the chief nobility at Windsor.

And now Henry's reign seemed to enjoy a calm, which promised to gild the close of his life, then drawing to its period. A body of desperate rebels, however, still held out within the isle of Ely, under Henry de Hastings, who had had great provocations from the government; but these were quickly, and without loss on either side, reduced by prince Edward, who, to his immortal honour, was the chief instrument of delivering his father from captivity, disgrace, and dishonour, and his country from calamity and civil war. Lamentable was the face of England at the close of this five years period of blood and ravages! Her inhabitants had begun, for some time, by the intercourse of strangers from all quarters, to have a taste for the improvements of civil life; and, by a peculiar blessing in her constitution, which was interrupted only for a short time by the frenzy of Montfort, she had, almost ever since the conquest, enjoyed advantages of commerce unknown to the rest of Europe. Hence the perpetual supply of treasure to the people and country, after a perpetual drain from the pope and the government. Hence, amidst all the disadvantages of a giddy government, inclement skies, a barren soil, and a disunited people, the national expence was ever supplied by the insensible channels of commerce. And hence that amazing spirit of industry, more rich than all the mines of the most envied countries, began now to resume its functions, and to repair the waste of intestine commotion.

But an enemy, grown great by the divisions of England, remained still unsubdued; I mean the Welsh. They had, for some years, been governed by a succession of able princes, who so well knew how to improve the dissensions of England to their own advantage, that they now threatened a total independency upon Henry's government. But though it is natural to believe that their importance had revived, about this time, all the high ideas, so peculiar to the uncontaminated blood of Britons; yet they were without that spirit of industry, which alone can support a people in their notions of their own high dignity and importance. The reconciliation of the English barons to their sovereign was a mortal blow to both. Llewellyn, son of Griffith, indeed, still kept the sword in his hand; but though his troops were perhaps equal to the English in spirit and activity, yet his country had not as yet laid aside her Celtic pride, or applied to the improvement of arts and manufactures, in the same proportion as the English had done. They thought it a kind of a sacrilege to employ other arms than those their forefathers had fought with. However they might excel their enemy in strength and activity, or equal them in conduct and courage; yet their flight arrows, and ineffectual javelins, were but poor, when opposed to the massy armour

A. D. 1267.

The rebels in the isle of Ely surrender to prince Edward.

State of England at that time.

State of affairs in Wales at this period.

Henry with his army lies at Stratford.

Is forced to pawn the jewels and plate of Westminster-abbey.  
Rymer, vol. i. p. 841.  
Agreement between Henry and the earl of Gloucester.

Rymer, vol. i. p. 841.

The city of London is pardoned.



A. D. 1267. armour of the English. Add to this, that the leagues between the two people had been merely out of conveniency, not affection. They had, in their hearts, a most unfurmountable hatred for one another. The old Welsh seem to have been a people ever in extremes; either humane, generous, open, and undefigning, or deep, dark, cunning, and revengeful; but in all characters they were brave. Gloucester and his party now joined with Henry in his designs to bring them to a state of dependency, from which they had been so long exempted, through the divisions of the English government. But this could not be done all at once; for when Henry advanced to repress the inroads of Llewellyn, then ravaging the English borders, and when the latter found he had nothing to trust to from his former allies, a treaty of peace was set on foot, and, by the mediation of the legate, was concluded upon the following terms:

A peace concluded with the Welsh.

Terms of it.

First, That all lands should be restored on both sides, and that the laws or customs of the marches should still hold good. That king Henry should grant unto him and his heirs the principality of Wales, and that they should always be stiled princes of Wales, and should receive the homage and fealty of all the barons of Wales, who were to hold their lands of them in capite; except the homage of Meredith the son of Rhees, which the king retained to himself and his heirs: and if ever the king should grant it to the prince of Wales, he should pay for it five thousand pounds. The king likewise granted him the four cantreds of Borthwald, to hold them as fully as ever the king and his heirs had possessed them; for which principality, lands, &c. the same prince, and his successors, were to swear fealty, do homage, and perform the accustomed services due to the king and his heirs, as they had been done, by him and his predecessors, to the king and his ancestors. And farther, he was to give him twenty-five thousand merks in money. This agreement bears date at Shrewsbury, the 25th of September, 1267.

The pope grants the king the tenths of the clergy for three years.

We also find, that this year the pope granted the king, without consent of the clergy, a tenth of all ecclesiastical revenues, not only of the archbishops and bishops, but also of all the English clergy, as well regular as secular, and that for three years; the king, by assignment of the legate, ap-

pointing collectors in every diocese for that purpose. But at the same time we are to observe, that the pope was so cunning, that he would not grant the king this tenth from the clergy, until Henry had first agreed to pay all the arrears of the tribute, which had been now unpaid for several years, during the late commotions and differences between the king and the barons, and then appointed one Mr. Simon, his chamberlain, to receive the same of those who were to pay it.

A. D. 1268. Tho. Wykes.

England now enjoyed somewhat like tranquility, and the greater part of the year 1268 was taken up in providing for the new scheme of government. But foreign frenzy succeeded civil commotion. England, doomed to be harrassed by the avarice, or depopulated by the ambition, of the Romish see, began now to reassume her crusading spirit. The legate Ottobon preached strenuously to encourage it; and, in a parliament held in Midsummer this year, at Northampton, the princes Edward, Edmund, and Henry took upon them the cross. Their example was followed by the earls of Gloucester, Warren, and Pembroke, and about a hundred and twenty knights, besides great numbers of inferior order, by the persuasion of the Franciscan friars, who preached it throughout all the parts of the kingdom. The pope's legate then took shipping, and carried with him a vast sum of money. He was followed by the king of the Romans, who seems to have regarded his possessions in England more than his dignity abroad. And the king, that he might put the finishing hand to public tranquility, in the middle of November ordered a parliament to assemble at Marlborough in Wiltshire.

State of England at this time.

Prince Edward, &c. takes the cross.

A parliament held at Marlborough.

Here the best heads of the kingdom were employed in forming a body of laws, which might supply the defect of all former systems, and compose those spirits which had been exasperated by the late severity. They were formed upon a fair review of former statutes and ordinances, and particularly of the Oxford provisions; many of which, not hitherto mentioned, were now revived and enforced. They still retain the name of the Statutes of Marlborough; and as they are, in many respects, the foundation of the English laws now practised, I have given the substance of them in the notes (1). It is in those statutes that we are to fix the great and

and statutes made there.

(1) The statutes made at Marlebridge (now Marlborough) Novemb. 18. an. 52 Hen. III. the title of which runs thus: "In the year of grace 1267, and the two-and-fiftieth year of the reign of king Henry, son of king John, in the octaves of St. Martin, for the better estate of this realm of England, and for the more speedy ministration of justice, as belonged to the office of a king, the more discreet men of the realm being called together, as well of the higher as of the lower estate, it was provided, agreed, and ordained, That whereas the realm of England had of late been disquieted with manifold troubles and dissensions, for reformation whereof statutes and laws be right necessary, whereby the peace and tranquility of the people may be observed; wherein the king intending to devise convenient remedy, hath made these acts, ordinances, and statutes underwritten, which he willeth to be observed for ever, firmly and inviolably, of all his subjects, as well high as low." This body of laws is divided into twenty-nine chapters, and are as follow:

Chap. I. appoints, All persons that shall distrain other mens goods and chattels, of their own authority, without the award of the king's court, and be convicted thereof, shall be punished by fine, according to the trespass, though they have had no damage or injury done them.

The second ordains, That no man shall be distrained to come to the lord's court, which is not of his fee or place, where he hath no jurisdiction, by reason of hundred or bailiwick; nor shall take distresses out of the fee or place where he hath no bailiwick nor jurisdiction.

The third ordains, That such as will not suffer such distresses to be delivered by the king's officers, after the law and custom of the realm, or will not suffer summons, attachments, or executions of judgment given in the king's court, to be done, he shall be punished in manner aforesaid, as one that will not obey the law, and that according to the quantity and offence. But excepts all lords distraining their tenants for services and customs, or any other thing, being due to them, whereby the lord of the fee had cause to distrain; though it be afterwards found that the same services are not due, yet the lord shall not therefore be punished by fine, but shall be amerced as hitherto had been used.



A. D. 1268.

and the lasting merit of this reign. They gave the finishing blow to the hardships of feudal tenures; and the crown, when possessed of all the power which the constitution

A. D. 1268.

The fourth ordains, That henceforth no distress shall be driven out of the county where it was first taken; and that such distresses shall be reasonable, and not too great; and he that shall do otherwise, to be grievously amerced for such excesses.

The fifth contains a confirmation of the great charter, and that of forests; and that for the future they shall be observed in all points, and the offenders, when convicted, to be grievously punished.

The sixth ordains, That fraudulent conveyances, made to defeat lords of their wardships, shall be void, otherwise not.

The seventh ordains what sort of process shall issue out against deforceors upon wards, and who refuse to answer process in communi custodia, needless to be further mentioned.

The eighth reinforces the punishment of such as commit redisseisin, to the same effect as in the statute of Merton; with this addition, That if it be found that the sheriff had set any man free, contrary to this ordinance, he shall be therefore grievously amerced.

The ninth ordains in what manner suits to courts of great lords, or others, shall be observed; that none who is infeoffed by deed shall from henceforth be distrained to do such suit in the court of his lord, without he be especially bound thereto by the form of his deed; those only excepted whose ancestors, or they themselves, have used to do such suit before the first voyage of the said king Henry into Brittany, which was thirty-nine years before the making of this act: And if the lords of the fee do distrain their tenants for such suits, contrary to this act, then, at the complaint of the tenants, such lords shall be attached to appear in the king's court, to make answer thereunto, at a short day, and shall have but one essoin therein, if within the realm; and immediately the beasts, or other distresses, shall be delivered to the plaintiff, and so to remain till the plea between them be determined; and if such lords shall not appear at the day given them by their essoin, the plaintiff shall be dismissed, without any day assigned. So likewise tenants that, after this act, shall withdraw from their lords their due suits, shall be proceeded against after the manner as the lords are ordained to be.

The tenth provides, That archbishops, bishops, abbots, priors, earls, barons, or any religious men or women, shall not need to come to the sheriff's tourns, unless especially required for some other cause; but the tourn shall be kept, as it hath been used in the time of the king's progenitors; and they that have hundreds of their own to keep, shall not be bound to appear at any such tourns, but in the bailiwicks where they dwell.

The eleventh ordains, That no fines be taken for beau pleader, or fair pleading.

The twelfth appoints what days shall be given in pleas of dower in assizes of d'arraign presentment, and in a plea of quare impedit of churches vacant; which, since they relate only to forms of process, need not be further insisted on.

The thirteenth ordains, That when a man hath put himself upon any inquest (i. e. after issue joined) the plaintiff shall have but one essoin, or one default; so that if he come not at the day given him by the essoin, or make default the second day, then the inquest shall be taken by his default, and according to the same inquest they shall proceed to judgment.—The rest, being not very material, I omit.

The fourteenth appoints in what cases such as have charters of exemption from purchasers, being impannelled in assizes, juries, and inquests, shall be sworn; that is, in such cases where their oaths are so requisite, that without them justice cannot be administered; as in great assizes, perambulations, and in deeds of covenants, where they be named for witnesses; or in attainments, and in other like cases, they shall be compelled to swear.

The fifteenth declares, That it shall from henceforth be lawful for persons, for any manner of cause, to take distresses out of his fee, not in the king's highway, nor in the common street, but only to the king or his officers, having special authority to do the same.

The sixteenth appoints what remedy the heir in ward shall have, when he comes of full age, against his lord, if he refuse to surrender his land without plea.—All which process being now taken away by a statute of Charles II, I only mention it.

The seventeenth provides, That guardians in socage shall, whilst the heir is within age, make no waste, nor sale, nor any destruction of the same inheritance; but shall safely keep it to the use of the said heir, so that, when he cometh to his lawful age, they shall answer to him for the issues of the said inheritance by a lawful account, saving to the same guardians their reasonable costs: And that such guardians shall make no profit by the marriage of such heirs, but for the said heirs advantage.

The eighteenth appoints, That justices especially assigned to take assizes, or to hear and determine matters, shall from henceforth have no power to amerce for default of common summons, but only the chief justices, or justices in eyre in their circuits.

The nineteenth appoints, That in counties, hundreds, court barons, or in other courts, none shall need swear to warrant his essoin.

The twentieth, That none from henceforth, except our lord the king, shall hold in his court any plea of false judgment, given in the court of his tenants; for such plea especially belongeth to the crown and dignity of our lord the king.

The twenty-first appoints, That the sheriff, after complaint to him, shall grant replevins upon all distresses taken within the county, unless they were taken within any liberties; and if the bailiffs thereof will not deliver them, then, upon their default, the sheriff may do it.

The twenty-second, None from henceforth may distrain his free-holders to answer for their free-holds, without the king's writ; nor shall cause his free-holders to swear against their wills; for no man may do that, without the king's commandment.

The twenty-third provides, That if bailiffs, who ought to make accounts to their lords, do withdraw themselves, and have no lands or tenements whereby they may be distrained, then they shall be attached by their bodies; so that the sheriff, in whose bailiwick they be found, shall cause them to appear to make their accounts. Also farmers, during their terms, shall not make waste, sale, nor exile of the houses, woods, &c. nor of any thing belonging to the tenements that they have to farm, without special licence had by writing of covenant, making mention that they may do it; which if they do, and thereof be convicted, they shall yield full damage, and be grievously punished by amercement.

The twenty-fourth ordains, That justices in eyre from henceforth shall not amerce townships in their circuits, because all persons of twelve years old came not before the sheriffs and coroners to make enquiries of robberies, burning of houses, or other things pertaining to the crown; so that there come sufficient out of those towns, by whom such inquests may be made full, except inquests for the death of a man, &c. and other cases there mentioned.

The twenty-fifth ordains, That manslaughter, where it is found by misfortune, shall not be judged before the justices.

The twenty-sixth provides, That none, being vouched to warranty before the justices in eyre in pleas of land or tenement, shall be amerced from henceforth, because he was not present when he was vouched to warranty; but that, upon summons by the sheriff, he shall have three or four days time to come in and make his appearance; and if he dwelt out of the shire, then to have fifteen days at least for that purpose.

The twenty-seventh ordains, That where a clerk (i. e. one in holy orders) is arrested for any crime or offence touching the crown, and is thereupon by the king's command let to bail, his sureties or bail shall not be amerced, if they bring him before the justices, though he will not nor cannot answer by reason of his clerical privilege.—But this is now taken away by the statutes of 28 Hen. VIII. cap. 1. and 32 Hen. VIII. cap. 3.

The twenty-eighth provides, That all bishops and prelates of the church may have actions to demand the goods of the church, against such as have trespassed upon and taken them away from their predecessors, whether they had sued their right for such wrongs, or whether they did not pursue their right during their lives. The like remedy also against such as have intruded into the lands and possessions of any bishopric or abbey, during its vacancy; in which case the successors shall have a writ to recover their seisin, and damages shall be awarded them, as in assize of novel disseisin.

The twenty-ninth ordains, That a new original writ of entry, called Sur disseisin in the post, be provided by the council of our lord the king, in case of such alienations that may happen to be made in such and such degrees there mentioned, when, by reason thereof, a common writ of entry cannot be made in the form beforetimes used.—And as for the form of the writ, the reader may consult the Register (fol. 228. Fitzh. N. B. F. 291.) if he pleases.

[Tyrrel, vol. iii. fol. 1110, 1111, 1112, 1113, 1114, 1115.]

There are, says Mr. Tyrrel, some other temporary edicts or laws of this king, which, though they are not in any of our records or law-books, but only mentioned by some of our historians, yet they ought not to be omitted; such is that edict of his which we find in Matthew Paris, and which is already taken notice of in this history under the year 1228; when the king, in his return from York to London, perceiving the measures of grain, wine and ale, to be extreme false and scanty, he commanded them to be all broken or burnt, and others of a larger size to be made in their rooms; and also, that the weight



A. D. 1269. tion allows it, found itself, from the spirit of the people, obliged to make concessions which it had refused even under its greatest difficulties. The late civil wars, however, had introduced intolerable abuses among the common people; it was therefore found necessary to revive the force of some old statutes, or rather customs, which I take to have been of Saxon or British original, by which a summary capital punishment was inflicted upon those who were taken in an act of theft. This custom had been immemorial with the Welsh and the Scotch, and in England required only the king's proclamation to revive it. Some examples were made; but, if I mistake not, the crime indeed might be judged by the bailiff, or magistrate of the place where the fact was laid; but not without a jury of the inhabitants, and execution followed between sun and sun.

Those popular acts were followed by others of a more particular nature. The excommunication laid upon Montfort and his party was now taken off, by which numbers of people became again useful subjects. But what was still more, the king employed a twentieth part which he now got from the ecclesiastical livings of all secular clergymen for the relief of those who had been forfeited, and for enabling them to redeem their estates. It is true, Henry's profusion continued still to be very great, and the debts contracted by the queen abroad were immense; but, as no public violations of the constitution were attempted, and as the court was proceeding upon a moderate plan, the people contentedly bore all their hardships.

In the year 1269, Henry and his family began to think how they should best supply themselves with money, for the more effectually performing their vows of the cross. The king's expences and the queen's debts had already exhausted the vast sums which had been levied upon the subjects, the clergy and the city of London especially. One of the chief nuisances of the public were the Jews, who, in the late times of national calamity, had been guilty of great extortions upon the Christians. They even began to worm themselves into the landed interest, and had got bonds from many of the king's

subjects for sums of money, for the paying of which, they had certain annuities or fees upon the estates of the debtors; therefore this year, in a parliament held at London, it was provided, that no Jew should enjoy a freehold in any manor, lands or estate by charter, gift, obligation, or otherwise; neither were they to receive any perpetual rents, called fees, out of the estates; or by the hands of Christians. This relief of the subjects was obtained chiefly at the instances of prince Edward and prince Henry, and no doubt it greatly enabled the nation to pay its subsidies. But, notwithstanding all this, prince Edward found himself still unable to undertake the crusade in a manner becoming his high quality. His uncle, the king of the Romans, after doing several popular things in Germany, was now returned to England, and had brought along with him his young queen Beatrix, the daughter of Theodoric de Falkmore, a German. This lady had great beauty, but no fortune; and her husband's vast estate was much impaired by the late civil wars, and in supporting his high title. Edward, therefore, could not, as usual, have recourse to his uncle for money, and so was obliged to accept of a proposition from the king of France to supply him with thirty thousand merks. The prince going over to France, had a personal interview with that king, to whom he mortgaged the revenues of Bourdeaux for the repayment of the money. He likewise bound himself immediately to undertake the expedition, and to put one of his sons in the hands of the French court for his performance.

In the mean time, Henry amused himself in celebrating the nuptials between his second son prince Edmund, and Avelina, the daughter of the late earl of Albemarle, who was then the greatest heiress in England. He next removed the relics of Edward the Confessor into a most magnificent shrine, within the abbey church of Westminster, which he had lately rebuilt. A parliament soon after was held, where, from a presumption that Henry himself in person was to undertake the journey to the Holy Land, a twentieth part of all the moveable goods within the kingdom was voted to the king. But the earl

The secular clergy obliged to give a twentieth part of their livings to the king.

A. D. 1269. A parliament at London. Laws made against the Jews.

The king of the Romans returns with his young queen to England.

Prince Edward mortgages the revenues of Bourdeaux for 30,000 merks to the king of France.

Prince Edmund marries the earl of Albemarle's daughter.

Westminster-abbey rebuilt, and new consecrated.

The parliament gives the king a twentieth part of all moveables.

weight of bread should be increased; and ordered the offenders against this edict to be severely fined: Which I take notice of because they were made several years before the statute or assize of bread and beer, which you will find by the date was not made till the 15th of this king. Besides this, I find in the same author's aditaments, that in a parliament held at London, A. D. 1246, there were some laws made with severer penalties against those that robbed parks and warrens, to this effect: If the malefactor fled, or was killed, there was neither law nor appeal allowed for his death: If an earl, baron, or knight, complained to the king that his deer were stolen, inquisition was to be made thereupon by the king's writ; and if he that was indicted was thereupon convicted, he was to lie in the king's prison a year and day, and to pay three years value of his estate, having sufficient allowed him out of it to maintain him; of which fine the king was to have two parts, and he that received the injury one; and then he was to find twelve sureties, that he should never offend in the like kind, in any parks, warrens, or forests, nor do any thing against the king's peace; and these were to answer for his body and for his transgressions: And if any one were taken in a park or warren, he was to be imprisoned and fined, and also to give sureties as before. There are likewise, besides these temporary statutes, certain other edicts or precepts of this king's, which not being found in any of our statute-books, are only extant among the records of the tower; such are these that follow, viz. that of Rot. pat. 3. Hen. III. m. 3. which contains the king's writ to the bishop of Bath and Wells, and to his fellow justices itinerant for the counties of Dorset, Somerset, and Oxon, with diverse other shires therein mentioned, enjoining them; That in all trials, for the future, they omit those of ordeal by fire and water, as being forbid by a decree of the pope and council. (And though ordeal was never taken away by any act of parliament, yet being forbid by the pope, and looked upon also as superstitious and a very uncertain way of trial, it was therefore, at the king's command, laid aside by the judges, and soon after grew quite out of use.) The second is Rot. clauf. 19. Hen. III. m. 22. Int. containing the king's writ to the sheriffs of London, strictly commanding them to put down all public schools of laws, or the teaching them within the city for the future. But I cannot here omit, that Sir Edward Coke, in his proem to his second institutes, makes this prohibition to mean certain public readings on Magna Charta, and that de Foresta; but, as Mr. Selden has very well proved in his dissertation upon Fleta, it was the canon, and not the common or statute laws, that were hereby forbid to be taught. And king Stephen had long before issued out the like prohibition against one Vacarius, whom pope Eugenius II. had sent over hither to read at Oxford upon Gratian's decretals.



A. D. 1270.

of Gloucester seemed by no means to be satisfied with the proceedings of the court at this juncture; either thinking that the nation could not bear such intolerable expences, or that he really dreaded the jealousy of prince Edward. But be that as it will, it is certain that he was present at neither of the late parliaments; and the public in general was again apprehensive of a civil war, in case the prince should leave the kingdom before all differences between them were made up. But this was found to be a matter of great intricacy. The vast power of the earl of Gloucester was extremely formidable to Edward; and he foresaw that, if he should leave the kingdom without either taking from that nobleman the grounds which he had for complaint, or binding him up to a peaceable behaviour, the king his father might be in a worse state than ever. The king of the Romans first undertook to mediate between them. The matter was then referred to a parliament, assembled on the Monday after Easter; but that parliament not succeeding, another was held, eight days after Midsummer, at London, where the award of the king of the Romans was publicly read, and agreed to by all parties, and thereafter published more solemnly at Reading, on the 18th of July. By the terms of this award it appears, that the chief point which the prince had in view was, to engage the earl to go along with, or soon after, him upon the crusade. The substance of it I have given in the notes (1).

The great care of Henry's government was next, that the prince should leave all the people so well satisfied with the intentions of the court, as that they should apprehend no encroachment upon their liberties. The clergy were not the last to contribute to this end; for the bishops of Winchester, Worcester and Hereford now solemnly ordered the bull of confirmation of the great charter, and of that of the forests, granted by pope Honorius as already mentioned, to be read in St. Paul's church; and they, at the same time, pronounced sentence of excommunication against all who should infringe the same. Some private animosities among the great noblemen were likewise made up; and the earl of Surrey, who had basely assaulted the lord Zouche and his son in the king's court, was by the prince obliged to give satisfaction both to his country, and to that nobleman's family. To put the last hand to the public tranquillity, prince Edward next

prevailed with his father to restore the city of London to all its ancient privileges; in consequence of which, the citizens again elected their own mayor and sheriffs, who were presented to, and sworn in before, the king.

Edward having now settled every thing both in France and England, prepared to set out upon his crusade; but Henry, who was under like engagements, excused himself, through the detriment which might accrue to the kingdom, should both he and his son leave it. For this he pleaded the authority of his parliament; and taking off the cross, which he had wore ever since his last vow, he presented it to Edward, together with all the arrears that were due, out of the late tax of the twentieth part of effects that were to be levied.

About the 10th of August, Edward proceeded on his expedition, and came to Portsmouth to embark; but hearing there that the archbishop of Canterbury was dead, he came back to Canterbury, from an earnest desire he had to promote the election of one of his own chaplains into that see. But the monks having elected another in the mean time, he returned to Portsmouth, from whence he embarked upon his expedition. As the laws of history require that I should keep as entirely as possible to the personal history of this illustrious adventurer, when not immediately mingling with the English concerns, I shall therefore reserve the account of his great actions abroad to grace his own reign, and, in the mean time, draw that of his father to a conclusion.

It was no wonder if the late cruel harassments of England had disabled her court from fulfilling all its obligations with foreign powers. Among others who complained in this respect, was Margaret countess of Flanders, who, upon pretence of Henry's failing to fulfil certain engagements subsisting between the two countries, seized all the effects of the English, which were very considerable, within her dominions. Henry made reprisals in England; and both powers were preparing to enter upon action, all commerce and intercourse between them being prohibited. Nay, the matter went so far in England, that all exportation of wooll was forbidden by proclamation, lest any of it should supply Flanders. This was a prerogative which our kings immemorially have enjoyed, and perhaps not greater (if it is not the very same) than that still subsisting, of

A. D. 1270.  
The city of London restored to their ancient privileges of electing their mayor, &c.

The king delivers the cross to prince Edward, together with the arrears of the late tax.

Boniface archbishop of Canterbury dies.

Margaret countess of Flanders seizes the effects of the English merchants.

(1) First, That if the lord Edward went beyond sea for the Holy Land in September following, the earl of Gloucester should also go over the next March, if he were not hindered by sickness, or some other reasonable cause, such as should be allowed by the said king of the Romans. Secondly, And if the said earl should assist the lord Edward with any men in this expedition, then the king of England was to allow him the sum of eight thousand merks, and should also find him an able ship for his transportation; but if he did not assist the prince with any forces, the earl was then only to receive three thousand merks, which was to be expended on this voyage, and on nothing else. Thirdly, That whether the earl went over beyond sea or not, he should not move or make any war in England. Fourthly, And for the true observation of the premises, the said earl was to submit himself to the jurisdiction of the archbishops and bishops of England, to be by them excommunicated if he any ways transgressed the said articles; and should also submit all his lands to an interdict. Fifthly, And for the farther performance of all these things, they were bound, under the penalty of twenty thousand merks, to be in the disposition of the king of the Romans how it should be laid out. Sixthly and lastly, For the better security of the earl's sincere intentions, he was presently to deliver up two of his castles in the marches of Wales (called Tenbrig and Henly) to such persons as the king of the Romans should appoint for the safe keeping of them, till such time as it should be certainly known that the earl was arrived in the Mediterranean.—This declaration was published at Reading on the 18th of July, to which the earl of Gloucester willingly submitted; and he with his retinue attended at all the parliaments and treaties of king Henry, together with the other noblemen of the nation, who all rejoiced that this troublesome difference was so happily concluded to the satisfaction of both parties. Tyrrel, vol. iii. p. 1087.



A. D. 1271. putting, by order of the council, an embargo upon all vessels, in times of public danger or distrust. But it appears that, by the mediation of good friends, the two powers came to a better understanding; for I find, Vol. i. p. 872. in Mr. Rymer's collections, a safe conduct granted by the court of England to certain agents, who were appointed by the countess for making up all differences with Henry and his subjects.

Henry falls sick;

but recovers.

In the middle of January, 1271, Henry, after keeping his Christmas at Westminster, was seized with a disorder so dangerous, that his recovery was despaired of, and the dependants on the court were in the utmost consternation. At last, however, his health was re-established; but he instantly wrote to his son Edward, who was now upon his journey towards the Holy Land, commanding him to return to England. By this letter we perceive, that the king of the Romans had been left as a kind of a deputy to Henry, and intrusted by Edward; and that there still remained in England certain turbulent spirits, ever ready to seize all occasions for again throwing things into confusion.

But Edward could not now in honour recede from his enterprize, though he had a fair excuse, by the king of France, about this time, returning into France. He thought proper, however, to send back his cousin-german prince Henry, son to the king of the Romans, to take upon him the superintendency of his concerns in France. That prince having come as far as Viterbo, made there some stay, and entered a little into the intrigues about chusing a new pope. His two cousin-germans, Simon and Guido de Montfort were then at the same place, and were still breathing revenge for the death of their father. So strong was this passion within them, that, not considering neither Henry nor his father were in the least accessory to that death, they one morning broke into a church where prince Henry was hearing mass, and murdered him before the high altar. This unjust and inhuman murder created a general detestation, as the deceased possessed many great virtues and qualities, which reflected honour upon his birth and station. The royal family of England soon after received another mortifying blow, by the death of John, the eldest son of prince Edward. This young prince and his brother were, by the convention between Edward and the king of France, to have been delivered up as hostages for the payment of the borrowed money; but Lewis was royal-minded enough to dispense with that security, and Edward, with his princess, had left him in England, to the tuition of the king of the Romans. About the same time prince Edward lost from his army Theobald archdeacon of Liege, who, being chosen pope, set out for Italy, and assumed the name of Gregory X.

Henry was now aged and infirm; but his affairs were in perfect tranquility. It is, therefore, no wonder if, avoiding as much as possible the toils of state, we have but very few materials to fill up the remaining

part of his reign. He sought, by quiet, to indemnify himself, in the close of life, for the troubles he had sustained in its progress; for we find that, in the year 1272, though he kept his Christmas at Winchester; he soon retired from thence, that he might avoid the hurry and noise of his itinerant justices court, which was then to sit in that city. Returning to Westminster, where he spent the spring, he had an account of the death of his brother Richard, king of the Romans, who has made so considerable a figure in the history of this reign. This prince had been seized about Christmas of a deep palsy, which finished his days on the 2d of April. He seems to have been remarkable for no excess, and his virtues were greatly prevalent over his failings. He was a man of sense, if not of genius. His oeconomy, by which he became one of the richest princes in Europe, can never be enough commended; and he was, in many respects, useful both to the king and people; and seldom or never detrimental to either, after he came to maturity of judgment. He was succeeded in his honours, as earl of Cornwall, by his son Edmund, who married Margaret, sister to the earl of Gloucester. By this match he strengthened his family interest, and the fine condition in which his father left his estates and castles, made him a very great subject. This year was clouded by some commotions in the north, which probably were raised by the remains of Montfort's party; but were soon suppressed by prince Edmund and Roger de Mortimer.

A. D. 1272. Death and character of Richard king of the Romans.

Edmund earl of Cornwall marries the sister of the earl of Gloucester.

But a commotion followed, which made a much greater noise. A difference arising between the monks and citizens of Norwich, the former shut themselves up, as it were in a garrison, within their priory, and sending for some mariners from Yarmouth, they were guilty of various outrages upon the townsmen. The latter, not brooking this, joined in a body, and laid siege to the priory, the gates of which they set on fire. A priest, at the same time, had employed some smiths to forge certain iron arrow-heads in the belfry of the church. These workmen observing the gates on fire, ran down to extinguish it; but left, at the same time, their own fire of coals unextinguished. These being blown about by the wind, and catching hold of some combustible matter, first the tower, and then the church, with the monastery, were set on fire. Henry hearing of those outrages, and that they were attended by the deaths of several of the clergy and others, was so exasperated by the false representations of the monks and their friends, that he resolved to proceed immediately against the townsmen with the utmost severity. For this purpose he summoned a great council to meet at Northampton, to which place, weak in health as he was, he repaired in person. There a resolution was taken, that a writ should be issued out to William Gifford, sheriff of Norfolk and Suffolk, directing him to summon all the knights and freeholders of both those counties, holding

The church of Norwich burnt.

Henry summons a council at Northampton.



A. D. 1272. twenty pounds a year, or above, to appear on the fifteenth of September then ensuing, before the king at Norwich, then and there to obey the commands of him and his council. The sheriff of Cambridgeshire and Huntingdonshire had a like writ directed to him, only he was obliged to summon no more than twenty-four knights and freeholders.

Proper inquests being formed out of those, they went upon the late outrages, and a great many severe examples were made of the most guilty on both sides. It was found that the prior and his monks and priests were to blame, as well as the townsmen, and that the fire had begun in the manner we have already shewn, in the belfry. The prior himself was, upon this, committed to prison, and his lands sequestered into the hands of the king; while the city was put under an interdict.

The prior imprisoned,

and the town of Norwich interdicted.

This was the last scene of Henry's long reign. For, upon his return from Norwich to Westminster, he was seized at St. Edmundsbury by a distemper, which however did not prevent his pursuing his journey towards Westminster; but his weakness daily encreasing, after he arrived thither, it soon proved mortal. In his last hours he was visited by the chief nobility, to whom he bad a solemn farewell; and then, after ordering that his debts should be paid, and certain charitable donations made, he died on the 20th of November, 1272, after reigning fifty-six years and twenty days. His body, dressed in royal ornaments, was, two days after, carried by the chief nobility to the abbey-church of Westminster, where it was laid before the high altar, near the shrine of Edward the Confessor.

King Henry dies.

His character,

As to the personal, as well as political, character of this prince, the features are so insipid, that it is next to impossible to form any striking likeness. It is all a dead flat, but like glossy apparel, shifting its colour according to situation. If it should be said that he had few personal vices, it may be answered that he had as few virtues; and that character seldom fails to be attended with the worst of consequences to the public. To a prince who has of himself no discernment, throw flattery into the scale, it instantly oversets the balance of his disposition, however

equally poised before. The more flexible then his temper is, the more it is for the purposes of the dark, the designing, of ambition and of avarice. But it must be confessed that Henry's nature was far from being of this equal disposition between virtue and vice; for it strongly, in its most disengaged situation, preponderated to the latter. His repeated breaches of the most solemn engagements, weak as that age was, and wicked as the counsellors about his person were, could never have happened, had there not lived within his own breast an incessant and powerful advocate for perfidy and insincerity. When he was fearful he was yielding, and faithless when secure. A lust of power was the source of his vices, and the dread of punishment the spring of his virtues; the former was ever keen through flattery, but the latter apt to rust through disuse. His encouragement of foreigners was not so much the effect of the weakness, as of the corruption, of his nature. He thought they could best serve his arbitrary designs; and, therefore, that their support could not be too dearly bought, tho' at the price of his own independency. His understanding was trifling, and confined to a narrow sphere; but his conduct within that sphere was always such as proved him to be master of that low cunning, and those arts which tend to puzzle, perplex, and overthrow. That he was religious and chaste must be admitted; and likewise that he ever approved himself to be a kind indulgent father and husband.

Vices.

and virtues.

The happiness of this reign lay in the virtues of his matchless son, and the moderation of his brother. The violences of Montfort contributed more than all Henry's power and character of royalty towards bringing the nation to that sense of her duty which she had at the time of his death; and yet so powerful a charm was that character in the English constitution, that, during all Henry's long insignificant possession of it, we find no avowed attempts to abolish it, either in his person or family. As to the several particular steps of misconduct of both parties, I flatter myself that, in the history itself, I have so clearly pointed them out, that the reader can expect to have nothing farther to improve his notion of those events (1).

As

(1) Remarkable occurrences in the reign of king Henry III.

In the fifth year of his reign, two impostors were crucified for giving out, they were both of them the Messiah or Christ; and two women were executed, the one for pretending to be the Virgin Mary, and the other Mary Magdalen.

In the sixth year, there was a dreadful tempest of thunder, lightning and rain, in February, which threw down several churches, and rooted up several trees. This was followed by extraordinary rains, and that by a dearth, another violent tempest, an earthquake, a prodigious storm of wind, inundations, and a comet. Hol.

In his seventeenth, it thundered for fifteen days together. The next year began with terrible tempests of thunder, rain, and floods, which spoilt the fruits of the earth.

In April, 1233, Matthew Paris affirms, there appeared four false suns in Worcestershire and Herefordshire. The true sun was of a red colour, with a great circle of chrystalline colour, whose circuit seemed as large as the kingdom of England: from its sides went forth certain half circles, in whose sections the four false suns appeared. The true one was in the east, it being about seven in the morning, the air clear, and the sky serene. The bishop of Hereford and Sir John Monmouth saw and witnessed to this wonder. In June, near the sea-side, two huge dragons were seen fighting in the air: after a long dispute, the one vanquished the other, and drove him into the sea; and the conqueror following him, they were both no more seen. The same year there was a dearth, which was preceded by an earthquake. Hol.

In his twentieth year, according to Matthew Paris, the most credible historian in those times, near Rock-abbey in the north, two troops of armed men seemed to rise out of the earth, and to engage with spear, shield, sword, and banners displayed: they would sometimes tilt, as at a tournament of triumph; and the country people beheld them at a little distance, wounding and unhorsing one another. What was most strange was, the grass of the ground where they appeared to give battle, seemed trodden down, and prints of feet remained there. The same sight was seen more apparently in Ireland. This year was full of prodigies, thunder, lightning, floods, &c. which destroyed abundance of people and cattle.

On the 16th of June, 1239, the twenty-third year of this king's reign, prince Edward, his eldest son, was born. Before his birth-day there appeared a new star in the heavens for several days together; it was carried with a swift course through a long circuit of air; it seemed sometimes to bear fire along with it, and sometimes to leave smoke behind it. In the next, there



A. D. 1272.  
His person.

As to Henry's person, it was middle-sized, compact, and strong; one of his eyes having the lid so hanging over it, that part of the ball was hid.

It remains now that I should give, from Mr. Speed, whose accuracy in this respect I prefer to that of our other historians, an account of Henry's marriage and issue.

His wife,

Eleanor, the wife of king Henry, was the second of the five daughters of Raymond earl of Provence, son of earl Alphonso, son of Alphonso I. king of Arragon. Her mother was Beatrix, daughter of Thomas earl of Savoy, sister of the earls Ames and Peter, and of Boniface archbishop of Canterbury. She was married to him at Canterbury, January 24, ann. 1236, reg. 20. crowned at Westminster, the 19th of the same month; was his wife thirty-seven years, his widow nineteen; died a nun at Ambresbury, the 25th of June, in the twentieth year of her son's reign, ann. 1291; and was buried in that monastery, the 11th of September following. She was a lady of a high spirit; but recompensed the smallness of her fortune by the greatness of her prudence, and the many fine children she brought forth. And it is very remarkable, that though her father was but a mean prince, yet all his daughters were married to real or titular kings.

and issue.

By this princess king Henry had six sons and three daughters, viz.

Edward, their eldest son, was born at Westminster, the 28th of June, in the twenty-fourth year of his father's reign, ann. 1239; was surnamed Long-shanks, of his tall and slender body; made knight in Spain, by Alphonso king of Castile; created earl of Chester by his father, after the issue male extinct of the former earls; and succeeded his father in the kingdom of England.

Edmund, their second son, was born January 26, ann. 1245, and of his father's reign the twenty-ninth; was surnamed Crouched-back, from bowing his back say some, but more likely for wearing the sign of the cross (anciently called a crouch) upon his back, which was usually worn of such as vowed voyages to Jerusalem as he had done. He was invested titular king of Sicily and Apulia, and created earl of Lancaster, on whose per-

son originally the contention of Lancaster and York was founded; and having of the grant of his father the lands of Simon Montfort and Robert Ferrers, disinherited in the barons wars, was, by virtue of the same grant, earl of Leicester and Derby, and high steward of England. He had two wives. The first was Avelina, daughter and heiress of William earl of Albemarle, by whom he left no issue. The second was queen Blanch, daughter of Robert earl of Artois (brother of St. Lewis king of France) widow of Henry of Champagne king of Navarre, and mother of Joan queen of France and Navarre, the wife of Philip the Fair. By her he had issue, three sons and one daughter. Thomas, who, after his father, was earl of Lancaster; and having married Alice, daughter and heiress of Henry Lacy earl of Lincoln, was beheaded at Pomfret, without issue. Henry lord of Monmouth, who, after his brother's death, was earl of Lancaster, and father of Henry, the first duke of Lancaster. John, who died without marriage; and Mary, married to Henry lord Piercy, mother of Henry, the first earl of Northumberland. This earl Edmund died at Bayton in Gascony, June 5, ann. 1296, and of king Edward his brother's reign the twenty-fourth, when he had lived fifty years, four months, and nineteen days; whose body, half a year after his death, was conveyed into England, and lieth intombed at Westminster, on the north-side of the high altar, under a fair monument of stone, with his portraiture, and the arms of him and others of his house, and many noble houses of that time.

Richard, the third son of king Henry and queen Eleanor (bearing the name of his uncle Richard king of the Romans, Allemaign) deceased in his youth, and lieth at Westminster, interred on the south-side of the choir.

John, the fourth son of king Henry and queen Eleanor (bearing the name of king John his grandfather) deceased young, and at Westminster his bones lie interred with his brother Richard.

William, the fifth son of king Henry and queen Eleanor, is mentioned by Thomas Pickering (a priest of the monastery of Whit-

there was a great battle of fish at sea; the consequence of which was, that eleven whales were cast on the shore, and appeared to be dead of some wounds they had received. (Matthew Paris tell this story.) Not long after, a great sound was heard at one time in all parts of England, as if it had been the noise of mountains falling into the sea.

In the twenty-sixth year, the sun was eclipsed in a terrible manner; and two years afterwards, so many stars seemed to fall in one night, that, says Hollingshed, if there had so many fallen indeed, there would have been none left in the sky.

In his thirty-second year, a dreadful earthquake happened on the 14th of February; and the sea, for a long tract near the coast of England, ceased to ebb and flow near three months together. The next year, the town of Newcastle was destroyed by fire, and an earthquake threw down several steeples and houses in Somersetshire.

On the 1st of October, in his thirty-fourth year, the moon appeared red and bloated, which was the presage of a storm of wind, so violent, that the sea flowed twice without ebbing, and in the night seemed to burn. Soon after, an earthquake was felt at St. Alban's.

In the following year, the chimney of the chamber where the queen and her children lay, was blown down by a terrible storm, and her whole apartment at Windsor shaken and torn; oaks in the park were rent asunder, and turned up by the roots; and all was accompanied with such thunders and lightnings as had not been heard or seen since the memory of man.

In May, the new moon appeared three days before her time; and the sun, moon, and stars, for fifteen days successively, seemed of a red colour. A dearth and a murrain among cattle followed this prodigy.

In his thirty-eighth, the new moon in February was seen four days before the course of her time.

In his thirty-ninth year, a ship was seen in the air at St. Alban's; and in his fortieth, a comet.

In his fifty-second year, the two companies of goldsmiths and taylor of London fought, and several were killed on both sides. The sheriffs appeased the tumult, and thirteen of the most mutinous of them were hanged; as were thirty citizens of Norwich, in the last year of his reign, for quarrelling and fighting with the monks of that city.

Hollingshed has many more miracles, prodigies, and extraordinary fights in his history of king Henry III; but we have reported enough to let the reader see that the seasons were as much distracted as the times, and that nature seemed to be disturbed in all her productions during the reign of this weak prince, who had, however, many brave subjects, and governed a people that shewed they might have been great and happy, had their prince known how to have made them so.



A. D. 1272. by in Yorkshire, who lived in the time of king Henry VI, and wrote a large genealogy of the kings of England, and their issues; and that he dying in his childhood, was buried within the New Temple by Fleet-street in London.

Henry, the sixth son of king Henry and queen Eleanor, is also reported by the same Pickering to have died young, and to be buried at Westminster.

Margaret, the eldest daughter of king Henry and queen Eleanor, born the twenty-sixth year of her father's reign, 1241, was the first wife of Alexander III. king of Scotland, married to him at York, an. 1251, by whom she had issue, Alexander and David, who died both before their father without issue; and Margaret queen of Norway, wife of king Eric, and mother of Margaret, heirs of the crown of Scotland and Norway, that died unmarried. She was queen twenty-two years, lived thirty-three, deceased before her husband in the twenty-third year of his reign, and the first of her brother Edward's in England, and was buried at the abbey of Dumfermling in Scotland.

Beatrice, the second daughter of king Henry and queen Eleanor, was born at Bourdeaux in Gascony, June 25, 1242, of her father's reign the twenty-seventh. At the age of eighteen years she was married to John, the first duke of Brittany (son of John, the last earl of the same) and had issue by him, Arthur duke of Brittany, John earl of Richmond, Peter, and Blanch, married to Philip, son of Robert earl of Artois; Eleanor, a nun at Ambresbury; and Mary, married to Guy earl of St. Paul. When she had been his wife twelve years, and lived thirty years, she deceased in Brittany, in the first year of the reign of her brother king Edward, and was buried at London in the choir of the Grey-friars within Newgate.

Catherine, the third daughter of king Henry and queen Eleanor, was born at London, ann. 1253, of her father's reign the thirty-seventh, November 25, being St. Catherine's day, whose name was therefore given unto her at the font, by Boniface archbishop of Canterbury, her mother's uncle, who christened her, and was her godfather. She died young, and at Westminster her bones lie interred with her brothers Richard and John, in the space between the chapels of king Edward and St. Bennet.

As to the taxes of this king's reign, they were so many and various, that to have set down every one of them would have perplexed the history; I have therefore thrown together a view of the most considerable of them from our best historians, and they are as follow:

The parliament called at Northampton, in the octaves of Holy Trinity, 1224, granted the king two shillings of every plough land; and the king granted to the great men a scutage of two merks sterling of every knight's fee.

The parliament called at Westminster at Christmas, 1224, granted the king a fifteenth

of all moveables, as well of the clergy as laity of the whole kingdom, for the grant or confirmation of Magna Charta; one half of this fifteenth was collected soon after Easter, and the other half was to be gathered Michaelmas following.

A fortieth part of moveables was granted.

A. D. 1226, the 11th of Henry III, he wrote to the bishops and clergy to give him a fifteenth of all their moveables, as the bishops and clergy of England had then done.

King Henry compelled the citizens of London to pay him five thousand merks; because they had given so much to Lewis, late king of France, when he left England, and levied a fifteenth.

At the same time he took for an aid, from the burgeses of Northampton, twelve hundred pounds, besides one fifteenth.

He likewise forced all religious and beneficed clerks to pay a fifteenth, as well out of their spirituals as temporals; and they which were unwilling to pay, were compelled either by the king's authority, or ecclesiastical censures.

Soon after the religious and others had notice, That unless they renewed their charters, the old ones should be of no advantage to them; and for the renewing every one paid according to his faculty, at the justiciaries discretion.

In the year 1230, archbishops, bishops, abbots, and priors, gave a great sum of money for recovering his rights beyond sea. At the same time he put the citizens of London to a grievous redemption, and forced the Jews to pay a third part of what they were worth.

In the year 1231, the king required a scutage of three merks of every knight's fee, of all that held baronies, as well laics as prelates. It was opposed by the archbishop of Canterbury, and some other bishops; but agreed to by all others.

On the 14th of September, in a parliament held at Lambeth, a fortieth part of all moveables, as well of ecclesiastics as laics, was granted to the king, and was collected the latter-end of October following.

A. D. 1235, he took two merks of every plough-land, at the marriage of Isabella, his sister, to Frederic emperor of Germany, and gave with her thirty thousand merks. And at the same time there was a thirtieth of moveables granted by the bishops and lay great men.

A scutage of two merks of every knight's fee, granted by archbishops, bishops, abbots, priors, and other ecclesiastical persons, &c. It is very probable this was the same scutage which was given for the marriage of his sister with the emperor.

A. D. 1237, a thirtieth part of all moveables was granted to the king.

In the year 1242, about Michaelmas, the king required a scutage of three merks for every knight throughout all England: So Matthew Paris; but as others, only twenty shillings; but we do not find that this was ever raised.

A. D. 1244, in a council held at London, three



A. D. 1272. three weeks after Candlemas, twenty shillings of every knight's fee was granted to the king, for the marriage of his eldest daughter; one half to be paid at Easter, the other half at Michaelmas following.

A. D. 1253, the clergy granted the king the tenth of all ecclesiastical revenues for three years; and the nobility, or knights, three merks of every knight's fee, for the relief of the Holy Land, upon his confirmation of Magna Charta, and Cart. 51 Hen. III. m. 10. cedula. Three years tenths of all church revenues were granted to the king by the pope.

This year also a twentieth part was granted to the king of all grain, live stock, and other moveables, as well by the great men and knights as other laymen. And who these

other laymen were that are mentioned in this record, appears from the city chronicle; in the book *De Antiquis Legibus*; where, in the latter-end of this king's reign, under this year, are these words: "Eodem anno omnes liberi homines de regno, tam de villis, quam de civitatibus et burgis et alibi, dederunt regi vicesimam partem omnium bonorum suorum mobilium, ad expensas faciendas in itinere ad terram Jerosolomitaniam." But the reader is to observe, that all such tallages and exactions as were contrary to Magna Charta, and raised by this king without the consent of parliament or clergy, in a synod or convention, were unjust and illegal; and are so noted by Matthew Paris, and most of our historians.

A. D. 1272.

## THE HISTORY of the ENGLISH CHURCH, FROM THE

CONQUEST, in the year One thousand and sixty-six, to the death of HENRY III. in One thousand two hundred and seventy-two.

**B**Y the conquest, the great ecclesiastical livings being subjected to lay-tenures, the history of the church and the state became in many respects the same, as may be seen in the foregoing part of this work; but many particulars with regard to ecclesiastical oeconomy and history remain still to be treated of.

Stigand, as we have already seen, was archbishop of Canterbury at the time of the conquest, as Aldred was of York, and both of them at the head of a worthless, lazy, proud, ignorant, over-grown clergy. The two archbishops, however, were men of spirit; but, unable to rouse their brethren to a sense either of their duty or their danger, they were obliged to share in the common calamity of their country. They had the mortification to behold the church of England, as to its property, modelled in the Norman fashion; and many of its sees filled with Norman prelates and clergymen, the ancient incumbents being driven out. Many churches, with their tythes, were likewise converted into lay-fees, and the abbeys generally filled by Normans, to whom were appropriated the tythes of other churches held by the English. William was of too impetuous a temper, and understood himself too well, to suffer his benefactor the pope to interpose in preventing those innovations. He prescribed to his clergy the party which they were to

follow, in cases of a double election to the see of Rome; nor could any ecclesiastical censures on considerable subjects be issued without his warrant. Even the archbishop of Canterbury could not, as formerly, pass any synodical constitutions without leave from the court; and, in short, William was more a conqueror of the church than of the state of England.

In the year 1070, a famous ecclesiastical synod was held at Winchester, in which Hermenfride bishop of Syon, Peter and John, priest-cardinals, presided on the part of the pope. Here the deposition of Stigand archbishop of Canterbury came under consideration. The crimes objected to him were frivolous, and as follow: First, His holding the archbishopric of Canterbury and the bishopric of Winchester at the same time. This indeed was an abuse, but ought not to be attended with a total deprivation of both sees. Secondly, He was charged with wearing the pall of Robert his predecessor. But to this he answered, That he did it only till the pope should send him a new one. Thirdly, It was objected to him, that the pall he had received was sent him from Benedict X, who was an usurper. But to this charge he very properly replied, That there was no other possessor of the see of Rome at the time that he received his pall. Notwithstanding those defences, Stigand was not only deprived of

A synod at Winchester, which depose Stigand archbishop of Canterbury.

State of the church at this period.



who dies in  
prison ;

as does Agel-  
mar bishop of  
the East An-  
gles.  
Bishop Agelric  
deposed.

Articles of the  
above synods.

his bishoprics, but barbarously thrown into prison, where, soon after, he ended his days by William's cruelty.

The case of Agelmar bishop of the East Angles, came next under consideration, and he underwent the fate of Stigand ; as did many other abbots. On the Whitfuntide following another synod was held, by the king's order, at Windsor, where Agelric, bishop of the South Saxons, and many English abbots, were injuriously and arbitrarily deposed, for no other crime but because they were Englishmen. It was in one of those synods that the following articles came under consideration :

1. Concerning the coming in of bishops and abbots by symoniacal heresy. 2. Of ordaining men promiscuously, and by means of money. 3. of the life and conversation of such men. 4. That bishops should celebrate councils twice a year. 5. That bishops ordain archdeacons, and other ministers of the sacred order, in their own churches. 6. That bishops have free power in their dioceses, both over the clergy and laity. 7. That bishops and priests invite laymen to penance. 8. Of apostatizing clerks and monks. 9. That bishops have their fees ascertained, and that none conspire against the prince. 10. That laymen pay tythes as it is written. 11. That none invade the goods of the church. 12. That no clerks bear secular arms. 13. That clerks and monks be duly revered. Let him that does otherwise be anathema.

But the violence of the times did not discourage Wulfstan bishop of Worcester from putting in his claim to certain lands, which had been alienated from his see, when it was joined to that of York. This claim, at first, was answered by an impeachment brought before the synod by Lanfranc, who, by this time, had succeeded to the archbishopric of Canterbury, against Wulfstan, for insufficiency in his office. But the sturdy Saxon not only baffled all the efforts of Lanfranc's refined policy, but made his claim good to the controverted lands ; and thus, by honest simplicity and courage, he triumphed over the conqueror himself. It is of importance to my present subject to observe, that in the writ directed by the legate to Wulfstan, still extant in a manuscript in the Bodleian library, requiring him to repair to this council, he is ordered to summon all the abbots of his diocese to repair to the same ; but without any mention of the inferior clergy.

Wulfstan bi-  
shop of Wor-  
cester recovers  
the lands ta-  
ken from his  
bishopric.

Inter MSS.  
Fran. Junii.  
Numb. 99.

Character of  
Lanfranc.

Thomas ca-  
non of Bayeux  
made archbi-  
shop of York,  
and Walceline  
made bishop  
of Winchester.

Lanfranc, now archbishop of Canterbury, was an Italian, born in Pavia, in the duchy of Milan, of no contemptible parentage. His learning and his spirit soon distinguished him from the other ecclesiastics of that age, and, by the favour of William, raised him to be abbot of Caen in Normandy. The next great ecclesiastical promotion was that of Thomas canon of Bayeux to the archbishopric of York, now vacant. Walceline, William's chaplain, was promoted to the see of Winchester, which had been held by Stigand. It was not long before various dissensions, from various causes, happened among

the new incumbents. When the archbishop of York came to receive consecration from Lanfranc, he refused to perform canonical obedience to the see of Canterbury. Lanfranc's great eloquence and interest, however, prevailed so far, that Thomas was charged by the king to make profession in writing of a personal obedience to Lanfranc, but not to his successors. Soon after Lanfranc was obliged to go to Rome for the pall, the pope having refused delivery to his agents, ignorantly pretending that such an investiture was unprecedented. The archbishop of York went to Rome at the same time, and on the same errand ; but the reception of both was very different. That of Lanfranc was polite and obliging to the last degree ; but Thomas, having been the son of a priest, was deprived of his ring and pastoral staff ; as was the bishop of Lincoln for simony. These sentences, however, served to heighten the lustre of Lanfranc's reputation ; for the pope left the whole affair of their being restored to his judgment, upon which he generously gave them back their croisiers, and then set out for England, charged with a commission from the pope to William, for reviving the sentence of deposition against bishop Agelric, and constituting him legate for that purpose. But William being inflexible in this point, that affair dropped to the ground.

Lanfranc goes  
to Rome.

Archbishop of  
York depriv-  
ed of his pas-  
toral staff and  
ring by the  
pope.

Lanfranc ap-  
pointed legate  
by the pope.

As the point of precedency between the two archiepiscopal sees had received no formal decision at Rome, it was now resumed ; and, after a full hearing in an assembly of the clergy, it was given in favour of Canterbury, upon grounds which did not so much prove precedency to be due to the place, as a superior power which had always been exercised by the archbishops of Canterbury. The river Humber was made the barrier between the two sees, and the archbishop of York was forced to give up his pretensions to the dioceses of Lincoln, Litchfield, and Worcester, while his jurisdiction was to reach all over the island north of the Humber ; but this superiority the Scots have always disputed. It was about this time that another council was celebrated at Winchester, where several canons passed ; and the first was against any bishop's holding two dioceses. The sixth enacted, That the sacrament should not be given in beer or water, but in wine mixed with water alone. The ninth forbids dead bodies to be buried in churches. And the sixteenth and last forbids chalices to be made either of wax or wood. Such are the most remarkable articles of this synod, and had any more than the contents of them come to our hands, it is probable we should have found many usages of the Romish church to be of a very modern date, when compared to the high antiquity they claim.

The preceden-  
cy of the see  
of Canterbury  
confirmed.

A synod at  
Winchester,  
and canons of  
it.

We find that, about this time, Leofric bishop of Exeter died, after bequeathing to his church a liturgy, which is still extant in the Bodleian library ; but, in this liturgy, very little or no countenance is given to the direct application to the Virgin Mary, or other saints or angels, by prayer, but only as intercessors. There are, indeed, prayers for the dead ;

Leofric bishop  
of Exeter dies.



dead; and the pope and clergy are prayed for before the king, queen, or royal family.

Opinion of the church with respect to soldiers.

The church of England at this time, and I believe the church in general throughout all Christendom, entertained some seemingly odd notions with regard to the legality of the trade of a soldier; for though we find that they had no manner of scruples about the lawfulness of taking arms, yet they enjoined penance upon all who were guilty of bloodshed in the field.

The penance of soldiers.

In the year 1072, the penances for soldiers were regulated, and approved of by the pope's legate; and the four first articles I shall, for curiosity, here transcribe: "1. Let him who knows he killed a man in the great battle, do penance one year for every one, according to the number slain by him. 2. For every one that he struck, if he did not know that he died of the blow, if he remember the number, forty days for every single man, either all at once, or by intervals. 3. If he knows not the number of men whom he has slain or struck, let him do penance one day in every week, at the discretion of the bishop, as long as he lives; or, if he be able, let him redeem it with perpetual alms, by building or endowing a church."

Reflection.

These, and other canons on the same head, which seem equally absurd, will appear the less so, if we reflect, that the grossness of that age was such, that the people could have been no otherwise made sensible of the misfortune to which any Christian was reduced, by being obliged to shed the blood of their fellow-creature, even though an enemy, and upon justifiable grounds. The next synod we meet with assembled under Lanfranc was at London, in the year 1075. In this synod were present the two English archbishops, together with the bishop of Constance, who, though no Englishman, or English bishop, had a great property in the kingdom; and, upon that, or some other account, arising from the favour of the Norman, was admitted to this synod. Besides these, were present the bishop of London, Walceline bishop of Winchester, Hermon of Sherburn, Wulstan of Worcester, Walter of Hereford, Giso of Wells, Remigius of Dorchester or Lincoln, Herfast of Helman or Norwich, Stigand of Seolfey, Osburn of Exeter, Peter of Litchfield. Rochester church then wanted a pastor; and the bishop of Lindisfarn, or Durham, could not be present in council, having a canonical excuse.

A synod at London,

which settles the precedence of the English clergy. [Johnson's Col. of Canons.]

In this council it was ordained, according to the council of Milevis, Brague, and the fourth of Toledo, "That bishops should take place according to the time of their ordination, unless their sees had the privilege of precedence by ancient custom." The seniors being asked what they had seen or heard from others as to this point, had time given them till next day to make answer, as they did, viz. "That the archbishop of York ought to sit at the right-hand of him of Canterbury, he of London on the left, Winchester next to York; but if York was absent, then London at

"the right-hand, Winchester at the left, of Canterbury."

Some other canons of this synod ought to have been more carefully observed by the late metropolitan of the English church, in his State of the Church and Clergy of England, since, by its fifth article, it is plain beyond all contradiction, that others besides bishops and abbots assisted at national synods. That article imports, that, to restrain the insolence of some, it was unanimously ordained, that none should presume to speak in the synods, besides bishops and abbots, without leave from the metropolitan. But we ought candidly to own, at the same time, that the very unanimity expressed in this canon is a kind of evidence, that none but bishops and abbots had right to decisive voices in those synods; so that the attendance of the inferior clergy resembled somewhat of the commons in parliament in the more early time of the Norman constitution.

[Dr. Wake, printed in folio, 1703.]

The inferior clergy had no decisive voices in their synods.

By this synod likewise it was ordered, that bishops should remove to the largest towns within their dioceses, and not reside in villages. In consequence of this, Hermon was to remove from Sherburn to Salisbury, Stigand from Seolfey to Chichester, and Peter from Litchfield to Chester. The case of three other bishops, who resided in Kirton, Dorchester, and Helman, was referred to the king who was then abroad; but the seats of those bishops were afterwards removed to Exeter, Lincoln, and Norwich. But Lanfranc, or whoever had the direction of this synod, was guilty of gross ignorance, or something worse, in the composition of the sixth canon, which imports, "That no one marry any one of his own kindred, or of the kindred of a deceased wife, or the widow of a deceased kinsman within the seventh degree, according to the decree of Gregory the Great and the Less."

[Johnson's Col. of Canons.]

Now it is very certain that Gregory did not prohibit any marriage beyond the fourth degree of consanguinity, as may be seen in his answers to Augustin of Canterbury. Some canonists, and some pretended councils, have palmed such a decree upon Gregory; but it has been again and again detected of forgery.

Pope Gregory's decree vindicated.

The ninth canon of this synod imports, "That no bishop, abbot, or clergyman, sit as judge in a cause of life or member, or by his authority countenance them that do." To understand the meaning of this canon, we are to recollect, that the Saxons were very tender in matters of blood, and that the punishments inflicted by the pious criminal courts seldom went higher than those now due to a petty larceny. It was therefore no more for a clergyman to sit in one of those courts, than it is now for one to act as a justice of peace. But punishments becoming more sanguinary under the Normans, occasioned this regulation. Fourteen prelates, the archdeacon of Canterbury, and twenty-one abbots, subscribed the canons of this synod.

Clergymen not to sit as judges in causes of life or mutilation. Ibid.

The church of Rome was now daily gaining ground in debauching the primitive simplicity



A synod at  
Westminster  
held by Lan-  
franc.  
Canons of it.  
Ibid.

plicity of Christianity. The celibacy of the clergy had, for a whole century, been a favourite point with her, but with small success in England. In a council, however, held in the year 1076, by Lanfranc, at Westminster, we find the following rule: "That no canon have a wife: That such priests as live in castles and villages be not forced to dismiss wives, if they have them; but such as have not, are forbidden to have any; and, for the future, let bishops take care to ordain no man priest or deacon, unless he first profess that he hath no wife."

Thus we find that the Norman clergy, notwithstanding their attachment to the see of Rome, would not venture all at once to force this innovation upon the English clergy. But it appears by the canons of the said synod, that the Norman bishops were very fond of retaining the most material privileges of the Saxons; for, by the third canon, it is decreed, "That no clergyman, either in the city or country, pay any service for his ecclesiastical benefice, but what he paid in the time of king Edward." And by the fourth it is provided, "That if laymen are accused of any crime, and will not obey the bishop, let them be summoned three several times: if, upon the third summons, they are never the better, let them be excommunicated: if, after their being excommunicated, they come to make satisfaction, let them pay their forfeiture to the bishop for every summons." The sixth canon forbids all supplantation of churches.

Rapaciousness  
of the Con-  
queror.

This last canon was occasioned by the rapaciousness of the Conqueror, who, taking advantage of the simple method of conveying property among the Saxons, which was sometimes done by the conveying of a horn, a belt, &c. put many abbots and others under the difficulty of proving their property by some express deed in writing. Accordingly we find Ingulphus, the abbot of Croyland, was obliged to supplant those Norman supplanters, by forging a set of charters to secure the lands of his abbey.

But the union of the ecclesiastical and of the hundred court, which had been the same under the Saxons, was inconsistent with the Conqueror's new plan of government. Accordingly we find a remarkable mandate for separating them, which runs in the following terms:

William, by the grace of God, king of the English, to R. Baynard, G. of Magneville, and Peter of Vatoins, and all my liegemen of Essex, Hertfordshire, and Middlesex, greeting.

The Conqueror's mandate to separate the ecclesiastical court from the hundred court.  
Ibid.

"Know ye, and all my liegemen in England, that I have determined that the episcopal laws be mended (as not having been right, according to the tenor of the canons, even to my time, in the realm of the English) by a common council of my archbishops, bishops, abbots, and principal men of my kingdom. Wherefore I command and charge you, by royal authority, that no bishop nor archdeacon do here-

after hold plea in the hundred, according to the laws episcopal; nor bring those causes before the secular judicature, which concern the regimen of souls. But whoever is impleaded by the laws episcopal, for any causes or crime, let him come to the place which the bishop shall chuse and name for this purpose, and there make answer concerning his cause or crime; and that not according to the hundred, but according to the canons and laws episcopal; and let him do right to God and the bishop. But if any one, being lifted up with pride, refuse to come to the bishop's court, let him be summoned three several times; and if, by this means, he be not brought to obedience, let application be made to the power and court of the king or sheriff; and he who, upon summons, refuses to come to the episcopal court, shall make satisfaction for every summons, according to the laws episcopal. This also I absolutely forbid, That any sheriff, provost, minister of the king, do any ways concern himself with the laws which belong to the bishop, or bring another man to judgment any where but in the bishop's court; and let judgment be no where undergone but in the bishop's see, or in that place which he appoints for that purpose."

Many remarks may be made upon this mandate: I shall only observe, that we are not to understand by the word hundred, the lesser court that was kept in every district which had ten tythings; but, in general, every common law court (not excepting even that of the county) which was but the collection of several hundreds. This mandate is without date; but Sir Henry Spelman supposes it to have been issued about the year 1085.

Though the English clergy were much harassed by the Normans under this reign, yet it is certain that the church of England in general was now in high reputation all over Europe. Lanfranc, for the age he lived in, was a man of learning; and, when we consider those with whom he had to do, of spirit too. He was consulted in the most material transactions abroad, relating to the church; and was so sensible of the power of the regale, that his conduct, during all the schisms which then happened, was regulated by that of the Conqueror.

An anti-pope having been set up by the emperor Henry IV. against Gregory, so well known under the name of Hildebrand, the Imperial party did all they could to engage the court of England in favour of their competitor, who had assumed the name of Gregory VII. To effect this, a very warm letter was written to Lanfranc by Hugh Candidus, a cardinal, in favour of the anti-pope; and in this letter the cardinal intimates, That he designed to come over to England in person. But both the Conqueror and Lanfranc remained neutral in the dispute; and the latter, in the answer he wrote to the cardinal, hints to him, That it would be a very imprudent

Remarks

The English clergy in great reputation at this time.

Lanfranc's conduct,

and that of William, with respect to the anti-pope Gregory Hildebrand.



imprudent thing, should he undertake a journey to England without the consent of king William. This letter, which may be seen in the annals of Baronius, is an evident proof of William's jealousy in this point, and how tender he was of bringing himself into broils with either party, which might endanger his newly-modelled government.

Peter's pence granted, but homage denied, to the see of Rome.

But William was no less firm than he was cautious; for though Hildebrand, the most aspiring prelate that had ever filled the see of Rome, made a demand not only of St. Peter's pence, but of the homage, the first was granted by William, but the latter denied. Neither were the depredations committed upon the church in general so numerous as might have been expected under this Conqueror; for though he had very little regard to the property of private churchmen, yet we find that he issued several writs for re-annexing to the church those lands which had been dismembered from it. We must not, however, forget the remarkable charter by which Battle-abbey in Suffex was founded; for in that deed the Conqueror not only grants the lands, but acts as supreme ordinary of the church, by exempting the abbot and convent from episcopal visitation. This, it must be owned, was a bold strain; and it is in vain for the high advocates of independent powers in churchmen to plead, that it did not pass without the consent of the archbishop of Canterbury and the bishop of Chichester. For in the charter itself, the original of which the reader for his satisfaction will find in the notes, no mention is made of consent, but of assent, given by those two prelates, together with the council of the other bishops and barons; which by no means proves, that William, without their assent, would not have ventured to grant this exemption. That this was only a matter of form, is manifest from the stile of the charter, a translation of which follows (1).

William, by the grace of God, king of the English, to all clergy as well as laity throughout England, health.

The Conqueror's charter and privileges to Battle-abbey.

" Be it known to you, that I have given  
" and confirmed, by the assent of Lanfranc  
" archbishop of Canterbury, and Stigand bi-  
" shop of Chichester, and likewise by the  
" advice of my bishops and barons, that the

" church of St. Martin the Warlike, which  
" I have founded, according to my vow;  
" for the victory I obtained in that place,  
" shall be free and quit for ever of all servi-  
" tude and all burdens which the mind of  
" man can devise, and endowed with all the  
" dignities and royal customs which I have  
" granted by my regal authority, as my char-  
" ter is witness. I therefore will and firmly  
" command, that the said church, together  
" with the estate in land lying round it, be  
" free from all dominion and oppression of  
" bishops, in like manner as that which gave  
" to me my crown, and by which the glo-  
" ry of my government is supported. Nei-  
" ther shall it be lawful for the bishop of  
" Chichester, although the said church lies  
" within his diocese, to lodge, as usual,  
" within the said church, or in the manors  
" belonging to the same, against the will of  
" the abbot: neither shall he there make  
" any ordinances, nor be in any respect bur-  
" densome to the abbot: neither shall he  
" exercise upon the same any dominion, vi-  
" olence, or power; but let it be free from  
" all exaction, as much as my own royal  
" chapel is. Neither shall the abbot be sum-  
" moned or compelled to go to the synod,  
" unless he shall voluntarily repair thither  
" upon some business of his own; nor, when  
" he shall think it proper, shall he be de-  
" barred from promoting his monks to sa-  
" cred orders. Neither shall any bishop be  
" contradicted by any one, in freely per-  
" forming the consecrations of altars, con-  
" firmations, or other episcopal benedictions,  
" when required thereto by the abbot or the  
" monks. This likewise has been enacted  
" by my royal authority, and by the at-  
" testation of my bishops and barons, That  
" the abbot should be judge and lord of his  
" own church, and the circumjacent land  
" estate, in all respects. When an abbot  
" dies, let his successor be chosen out of the  
" said church, unless (which God forbid) a  
" proper person cannot be found therein.  
" Let none of my successors presume to in-  
" fringe or violate this my constitution, thus  
" confirmed by my vow and royal authority.  
" Whoever, therefore, shall do aught against  
" the liberties and dignities of the said  
" church, he shall be liable to make amends  
" to our sovereign crown. The witnesses  
" of this deed are, Lanfranc archbishop of

(1) Willielmus, Dei gratia, rex Anglorum, tam clericis quam laicis per Angliam, constitutis salutem.

Notum sit vobis me concessisse et confirmasse assensu Lanfranci archiepiscopi Cantuariensis, et Stigandi episcopi Cicestrienfis, et concilio etiam episcoporum ac baronum meorum ut ecclesia sancti Martini de Bello, quam fundavi ex voto, ob victoriam quam mihi Deus in eodem loco contulit, libera sit et quieta sit in perpetuum ab omni servitute, et omnibus quacunque humana mens excogitare possit, cum omnibus dignitatibus et consuetudinibus regalibus, quas ei regali auctoritate concessi, sicut cartæ meæ testantur. Volo itaque et firmiter præcipio, quatenus ecclesia illa cum leuga circum quaque adjacente, libera sit ab omni dominatione et oppressione episcoporum, sicut illa quæ mihi coronam tribuit, et per quam viget decus nostri regiminis. Nec licet episcopo Cicestrensi, quamvis in illius diocesi sit, in ecclesia illa, vel in maneriis ad eam pertinentibus, ex consuetudine hospitari contra voluntatem abbatis, nec ordinationes aliquas ibidem facere, nec abbatiam in aliquo gravare; sed neque super illam dominationem aliquam, aut vim, vel potestatem exerceat, sed sicut dominica mea capella libera sit omnino ab omni exactione. Ad synodum vero abbas ire non summoveatur, nec compellatur nisi propria voluntate pro aliquo negotio ire voluerit. Nec monachos suos, ubi sibi opportunus viderit ad sacros ordines promoveri facere prohibeatur. Nec altarium sacralibere, fieri ab aliquo contradicatur: hoc etiam regali auctoritate, et episcoporum, et baronum meorum attestatione confuturo, quatenus abbas ecclesiæ suæ, et leugæ circumjacentis per omnia judex sit, et dominus. Defuncto abbate, de eadem ecclesia abbas eligatur nisi forte (et quod absit) ibidem, idonea persona reperiri non possit. Hanc constitutionem meam, sic voto, et regali auctoritate confirmatam, nullus successorum meorum violare, vel imminuere præsumat. Quicumque igitur contra libertates vel dignitates ejusdem ecclesiæ fecerit, forisfacturæ regiæ coronæ subiaceat. Hujus rei testes sunt Lanfrancus archiepiscopus Cantuariensis, Stigandus Cicestrienfis episcopus, Walkelinus episcopus Winton. Wulfstanus Wigorn. episcopus; qui omnes me præfente, et audiente horum præceptorum meorum, et constitutionum violatores perpetuo anathemate damnaverunt. Apud Winton.



“ Canterbury, Stigand bishop of Chichester,  
 “ Walceline bishop of Winchester, Wulfstan  
 “ bishop of Worcester; all of whom, in my  
 “ presence and hearing, have condemned,  
 “ by perpetual anathema, the violators of  
 “ these my commands and constitutions.  
 “ Given at Winchester.”

Whoever, I say, considers the stile in which this is wrote, cannot be long in doubt to pronounce, that the assent of the two prelates was no more necessary in this case, than the advice of the bishops and barons; and that the exemption was an arbitrary act of the Conqueror.

We have already seen the sentiments of the succeeding king with regard to religion; and it is not to be wondered at, that, under a prince who was so indifferent about religious matters, no ecclesiastical synods were held. Lanfranc, however, died under him, in the year 1089, after being the author of many useful institutions and endowments in the church. He was jealous of his rights and temporalities as metropolitan, witness his difference with Odo, already mentioned; and the rebuke he gave to the bishop of Chichester, because his archdeacons took money, by way of synodals, from the clergy of Suffex, dwelling within the manor of the archbishopric. At the same time he exempted all presbyters, living within his towns, or towns where he was patron, from the jurisdiction of that bishop. He was a supporter of the carnal presence in the Lord's supper, against Berengarius; a notion then newly broached by Paschasius, and opposed by the ablest divines even of that age. But that piece of Lanfranc's is very poor in its reasoning. He had the spirit, however, not to obey a haughty summons sent him by pope Gregory, who, from a strain of pontifical pride, required his presence in Rome. Upon his death, the profits of the archbishopric were returned for three years into the Exchequer; as were those of the see of Lincoln, and all other churches and abbeys then vacant. This was looked upon as a sacrilegious innovation. But we have already seen both in what manner Rufus treated the clergy, and how he was prevailed upon to appoint a successor to Lanfranc. We are not however to forget, that, during the intermediate time, about the year 1091, a schism had broke out in the church of Rome, and there were two competitors for the papal chair, viz. Odo bishop of Ostia, called Urban II. and Guybert of Ravenna, called Clement III. This division was of great service to Rufus; for, by not owning either party, he was not troubled with any claims of superior power in church affairs. Eadmerus has greatly extolled the modesty of Anselm, in refusing the archbishopric; and he tells us, that being over-ruled, nay forced, to accept of the pastoral staff, he prevailed with the king to write to the duke of Normandy, to the archbishop of Roan, and to the abbey of Bec, to procure him a release from his canonical obligations there. He likewise got from the king a promise for restitution of the lands which had been

alienated from the archbishopric during its vacancy, and he was consecrated towards the latter-end of the year 1093.

The history of this archbishop's struggles with the crown has been already given, as See p. 412. belonging more properly to the civil than ecclesiastical transactions; and Anselm's owning pope Urban, against the express commands of William, was certainly little less than treason.

During Anselm's absence in foreign countries, he met with great regard from the princes and prelates with whom he resided, and assisted at the council of Bari, held by pope Urban, in order to confute the prelates of the Greek church about the procession of the Holy Spirit. In this council, our archbishop made by far the greatest figure, and was the chief disputant against the other party. Soon after the Cistercian order was founded, by Robert abbot of Moleme, chiefly by the assistance of one Stephen Harding, an Englishman. And Anselm, in the year 1099, assisted in another council held at Rome. This year likewise Osmund bishop of Salisbury, earl of Dorset, and privy-counsellor to the Conqueror, died. This great prelate observing, that, in that age, every church had a different service, applied himself with great assiduity to excerpt out of the holy scriptures, and from the most authentic records of the church, a service for the use of his church of Sarum. This service was so judiciously composed, that, soon after, it was used generally in England, Ireland, and Wales.

About the year 1102, Anselm held a synod at Westminster, in which Gerard archbishop of York, and about eleven other bishops, assisted; among whom was Harveius, a Welsh bishop, being the first of that nation we meet with present in an English council. Frequent differences, in the intermediate time, had happened between the archbishop and Henry I; but the matter remained still undecided, both parties acting with great obstinacy. For matters were now much altered in favour of the see of Rome; her dangerous innovations were daily gaining ground, and her prelates had taken advantage of the troubles of Christendom to emancipate themselves in a great measure from the civil power. The matter of investitures had been given up by pope Adrian, in a synod in the year 867, by his yielding that Charles the Great should not only have the power of granting investitures to archbishops and bishops, but that he should even elect popes: nay, all prelates were forbidden, under pain of anathema, to accept of any consecration without such an investiture. The acts are recorded in the body of the canon law; and the like rights were yielded, about a hundred years after, by pope Leo, to the emperor Otho. It was, therefore, no wonder if secular princes, as Henry did, made a vigorous opposition. Anselm was a very fit tool for supporting all the high claims of the Romish see; and the synod, now summoned by his instigation and authority, made several wide advances to her corruptions.

As

Lanfranc's death and character.

See p. 376.

See p. 406.

Candidates for the see of Rome.

Anselm succeeds in the see of Canterbury.

The Cistercian order founded.

Osmund bishop of Salisbury and earl of Dorset dies.

A synod at Westminster.

Harveius the first Welsh bishop present at an English synod.

Investitures yielded up by pope Adrian to Charles the Great.

Dist. 65. c. 22. 23.



Its chief canons.  
Johnson's collections of canons.

Commands the celibacy of the clergy.

Ibid.

As no synod had been for some time held in England, ecclesiastical discipline was vastly degenerated, and therefore the Romish party had the fairer handle to innovate, under pretence of reforming. The first canon of this council imports, "That bishops do not keep secular courts of pleas; that they be appalled not as lay-men, but as becomes religious persons, and have honest men to bear testimony to their conversation." By the fourth it is ordained, "That no priest, deacon, or canon marry a wife, or retain her, if he be married. That every sub-deacon be under the same law, though he be not a canon, if he hath married a wife, after he had made profession of chastity." From this canon it appears how violently the partizans of the church of Rome had carried the doctrine of the celibacy of the clergy since the year 1076. And it likewise appears, from the import of this canon, that some sub-deacons were yet alive who had taken that order, without taking the vow of chastity. The sixth and seventh articles of this synod are of the same import; for they decree, "That none be ordained sub-deacon, or to any degree above that, without professing chastity; and that sons of priests be not heirs to their fathers churches." But Eadmerus informs us of a circumstance, which proves how little the vows of celibacy were then regarded in England; for he says, that though, by the church of Rome, the son of a clergyman could not be admitted to ecclesiastical offices; yet, pope Paschal sent a decretal to Anselm for dispensing with this in England, because the greater and better part of the clergy in England were the sons of priests.

The eighth canon of this synod decrees, "That no clergymen be reeves or agents to secular persons, nor judges in cases of blood." The thirteenth imports, "That no tythes be paid to any but the church." Which looks as if some of the Norman barons had impropriated certain tythes, which this synod now intended to resume. By the eighteenth canon, the ancient Saxon custom was abolished, by which abbots and other clergymen might make knights; and all abbots are enjoined to eat and sleep in the same house with the monks, unless in cases of necessity. By the twenty-second article it is provided, "That all promises of marriage made between man and woman, without witnesses, should be null, in case either party denied the fact." By the twenty-fourth article it is provided, "That they who are related within the seventh degree be not coupled in marriage, nor cohabit, if married." The twenty-sixth canon is remarkable, and proves that the Romish church in those days, degenerated as it was, was not near so stupid as she has since been; for it is there ordered, "That no one attribute reverence or sanctity to a dead body, or a fountain, or other thing (as it sometimes is, to our knowledge) without the bishop's authority." By the twenty-seventh article, it was prohibited to sell men like beasts; a practice which was then common in England, and

descended from the Saxons. But this canon was far from taking away villainage; that is, a villain might still be conveyed away by deed, and become a villain in gross, and pass with a manor like other goods or chattels. There are other canons of this synod too shocking to be mentioned. But the affair of the investitures was carried still on with great acrimony between Anselm and Henry. The former refused to consecrate Roger and Reinelm into the sees of Salisbury and Hereford, because, contrary to the Romish canons, they had received investitures from the king. William, another bishop, had been nominated to the see of Winchester, but had before refused the regal investiture, for which reason Anselm offered to give him consecration. It was this which brought on Anselm's negociation with the court of Rome, as the reader will find it related in the civil history. But at last, after various negotiations, immaterial to the history of the church, Gerard archbishop of York offered to consecrate those who had accepted of investitures from the king. But the spirit of the court of Rome was so strong on this head, that the elect bishop of Winchester, repenting of what he had done, chose rather to incur the king's displeasure, and to have his estate forfeited, than to accept of consecration on Henry's terms; but the court thought proper to compromise the matter. At a great meeting of the states, therefore, in 1107, the two following articles were agreed to, viz. "That, for the future, none be invested by the king, or any lay-hand, in any bishopric or abbey, by delivering of a pastoral staff, or ring. 2. By the concession of Anselm, none elected to any prelacy shall be denied consecration, upon account of the homage which he does to the king."

Henry, at the same time, promised to fill up all the ecclesiastical vacancies; and Anselm, at his request, made up matters with Gerard archbishop of York; but without the latter making an express profession of canonical obedience, any farther than swearing upon Anselm's hand to pay him the same subjection that he had formerly done, when consecrated to the bishopric of Hereford. Upon this account no fewer than five bishops were consecrated by Anselm at Canterbury, viz. William of Winchester, Roger of Salisbury, Reinelm of Hereford, William of Exeter, the king's late ambassador, and Urban to the diocese of Landaff.

Matters being thus made up between the king and the archbishop, the latter was honoured by the correspondence of several royal personages, particularly the queen of England and king of Scotland; one of the letters of the former has come to our hands, and is in its kind a perfect curiosity for that age. It is wrote in so polite a manner, that nothing is wanting in it to sooth the vanity of the prelate. His eloquence is compared to that of Demosthenes, Tully, and Quintilian; and his other qualifications in learning to those of the several fathers of the church, who are there particularly characterised in so classical a manner,

See p. 123.  
A villain how and in what manner transferable.

Dispute about investitures.

[See p. 431.]

is compromised, and upon what terms.

Upon which Anselm consecrates five bishops.

Queen Maud writes a letter to archbishop Anselm.



a manner, that the whole gives us a very deep impresson of the fine taste and address of that prince. But all those high compliments serve only to introduce a request that he will please to grant the investiture of an abbey to one whom she had recommended; but this the archbishop refused, as the candidate had been guilty of simoniacal practices.

Maurice bishop of London dies.

About this time the church lost three great ecclesiastics, the one was Maurice bishop of London, who had been chaplain to the Conqueror, and who, upon the burning of St. Paul's, laid a plan for a new structure, so large, that it required a prodigious revenue to complete it; and it remained unfinished, notwithstanding all the labours of this and succeeding prelates, for a hundred years after his death. The other ecclesiastic who now died was, Richard the last abbot of Ely; for Harvey bishop of Bangor, retiring from the fury of his countrymen to this abbey, made himself so agreeable to the monks, that the king was prevailed upon, with the consent of the bishop of Lincoln, within whose diocese this abbey lay, to erect it into a bishopric. The last ecclesiastic was Godfrid prior of Winchester, a person not so eminent for his station in the church, as for the beauty of his genius, and fine turn of wit, joined to a most engaging deportment, great charity, and sound learning.

Gundulf bishop of Rochester dies.

In the beginning of the year 1108, died Gundulf bishop of Rochester, the founder and finisher of the cathedral of that see, as it now stands, and of several other religious edifices; particularly the hospital at Chatham, the nunnery at Malling, together with the great tower of Rochester castle.

A synod at London concerning the celibacy of the clergy.

Its chief canons. Johnson's Col.

This year a synod was held at London, in order to enforce the decrees of the last synod, which were but little regarded by the clergy. The two archbishops and all the prelates in England are mentioned to have assisted in this synod, and its canons are more rigorous for the celibacy of the clergy than those of any preceding assemblies. The second imports, "That such clergymen who have kept or taken women since the prohibition at London, in the year 1102, and have celebrated mass, do so wholly discard them, as not to be with, or meet, them in any house knowingly; and that the women may not live on any ground that belongs to the church." The fourth canon provides, "That if any of them are accused by two or three lawful witnesses, or by the public report of the parishioners, to have transgressed this statute, let him, if a priest, make his purgation by six witnesses; if a deacon, by four; if a subdeacon, by two: and if he fail, let him be deemed a transgressor." By the sixth canon it is provided, "That if a priest celebrate mass, and do not leave his woman, let him be excommunicated, unless he come to satisfaction within eight days after summons." The same canon makes archdeacons and canons liable to the same sentence and censures. And by the tenth and last canon it is ordained, "That the bishops

"shall take away all the moveable goods of such priests, deacons, subdeacons, and canons, as shall offend herein for the future; and also their adulterous concubines, with their goods." By this we are to understand, that the adulterous or lewd woman was still forfeited, as a slave to the bishop, by the old English law.

These and the other canons of this synod were thought so severe, that many of the clergy refused to submit to their authority, notwithstanding Anselm's violent endeavours to enforce obedience. He had better success with Ralph, who was now chosen into the see of Rochester, who, upon his receiving investiture, performed an oath of homage and fidelity to the see of Canterbury; the archbishops of which having been formerly patrons of this church, and superiors of its lands. But, towards the end of his life, he found himself embroiled with the see of York. Gerard, the late archbishop of that province, being dead, was succeeded by Thomas. The latter, in concert with the chapter of York, sought for a pretext to revive the dispute about the precedency of the two sees. He had not yet been consecrated; and Turgot, a Saxon, and monk of Durham, being chosen archbishop of St. Andrew's in Scotland, was sent to York for consecration. But Anselm, whose consent was necessary, denied that Thomas could either act himself, or substitute one of his suffragans for this ceremony, before consecration; and therefore required, that it might be either put off, or that Turgot should come in person and receive consecration at Canterbury. This was a knotty point for Thomas: he durst not venture to proceed to Turgot's consecration, before he was consecrated himself: he knew that Anselm would not consecrate him, without obliging him to make a full concession of canonical obedience; and Anselm being now aged and infirm, he hoped, that in case he died, to receive confirmation during the vacancy of the see of Canterbury, without acknowledging its superiority. Anselm was perfectly sensible of the elect's drift, and of his own approaching end; he therefore employed the short space of his remaining life in writing the strongest letters to the bishops of England, and to the see of Rome, exposing the elect's conduct, and putting them upon their guard. His death soon following, a pall came from pope Paschal, by one cardinal Ulric, who was ordered to put it into Anselm's hands, until he had received satisfaction from the elect of York.

Ralph bishop of Rochester pays homage to the archbishop of Canterbury.

Turgot archbishop of St. Andrews.

Anselm dies.

The latter remaining unconsecrated at the death of Anselm, and then, at the meeting of the states, which was held in the year 1109, the matter was taken into consideration. The earl of Mellent was then Henry's first minister, and sought how to improve this matter to the purposes of his court. For, when the bishops produced Anselm's letters, and declared that they were resolved to abide by the contents, the minister demanded how they dared, without leave of the king, to receive any such letters. But the difference was taken up, by the king declaring himself expressly



Thomas archbishop of York receives consecration from the bishop of London. Ingulphus abbot of Croyland dies. expressly in favour of the prelates; and Thomas was obliged to receive consecration from the bishop of London, after making a full profession of canonical obedience to the see of Canterbury, which had remained vacant in the king's hands for about five years. About this time died Ingulphus, the abbot of Croyland, an English Saxon, a great favourite of the Conqueror, and the author of the history of that religious foundation from the year 664 to the year 1091.

Ralph, the lately consecrated bishop of Rochester, was a kind of a guardian to the see of Canterbury while it was vacant. During this time, Henry had excused himself from filling it up, under pretence of his not having been able to find a person properly qualified to succeed the two last incumbents. But, at last, he thought proper to give way to the repeated remonstrances of the clergy; and the bishop of Rochester managed so well, that he was, with a general approbation, elected into the see of Canterbury; though Henry was for setting up a secular clergyman, one Francis, abbot of Abingdon.

About this time, Henry V. emperor of Germany, surprized pope Paschal, and clapping him up in prison, obliged him to give up the point of investitures, by consenting that bishops and abbots, after they were elected with consent of the emperor, should have possession given them by the emperor, by delivery of the pastoral staff and ring. But, though this agreement was solemnly made, the pope no sooner recovered his liberty, than he disclaimed it. He even carried the matter so far, that he gave a very cold reception to the deputies who came from the English clergy to solicit the pall for the archbishop of Canterbury: but his professed reasons for this were, because of the translation of Ralph from Rochester into that see, without consulting him, and because of the little regard his nuncios and agents met with in England. This last is a circumstance to Henry's honour, he having been always very tender on that head, and having ever refused to acknowledge any other legate within his dominions than the archbishop of Canterbury. The pope's displeasure, however, was at last appeased by the intercession of Anselm, nephew to the late archbishop of that name, who was sent into England with the pall, which the archbishop took from the altar of Christchurch at Canterbury.

Anselm appointed the pope's legate. But this Anselm, in a subsequent meeting of the states, presented letters from his holiness, by which he was appointed his legate. And the pope made many impudent claims of the dependency of the English clergy upon the see of Rome, upon grounds which have been since given up by the greatest champions of that see. He went over with this commission to Henry while he was in Normandy; and the English bishops, being alarmed at it, sent over the archbishop of Canterbury to expostulate with the king against Anselm's admission into England with that character. Henry, well pleased to find the sentiments of his clergy so conformable to his own, entertained Anselm at his court with great mag-

nificence, but would not suffer his passing over to England; and the archbishop, according to his instructions, proceeded to Rome, to lay the matter before the pope. His retinue was very magnificent, but his success indifferent. His holiness had been obliged to retire to Beneventum; and all that the archbishop obtained was a letter of general compliments, with which he returned to Normandy.

In the mean time, Thomas archbishop of York dying, Thurstan, one of the king's chaplains, was chosen in his room. This elect, supported by his chapter, disputed the superiority of the see of Canterbury, which Henry backing, the deputies from the see of York managed so well at the court of Rome, that the pope, by his letters to the king, ordered the matter to come before himself; with orders, in the mean time, that Thurstan, who had resigned, should be re-instated in his former station. The archbishop of Canterbury was all this time with Henry at Normandy; and a new pope, under the name of Gelasius, had succeeded Paschal. But the emperor setting up the archbishop of Braga, under the name of Gregory, Gelasius was forced to fly into France. Thurstan, hearing of this, went over thither to meet him; for which he was severely reprimanded by Henry, for presuming to leave the kingdom without his leave. But Gelasius dying in the interim, the cardinals chose Guido, archbishop of Vienne, pope; and he, taking the name of Calixtus, was acknowledged by the kings of France and England, and the archbishop of Canterbury. His venal court, however, was open to Thurstan's bribes: for though Henry exacted from the latter a promise, that he would procure nothing in prejudice to the see of Canterbury, in a council held at Rheims by the new pope; yet he found means to receive consecration from the pope himself at that council. The archbishop of Canterbury was then sick, and could not attend at Rheims, with other English bishops, who happened to be then in Normandy. But Henry was so enraged at Thurstan's behaviour, that he banished him and his abettors out of all his dominions, either in France or England.

In an interview, however, which happened between this pope and Henry, soon after at Gisors, his holiness strenuously interceded for Thurstan's being restored to favour; but Henry as stoutly refused it, unless he would come and make profession of his canonical obedience, as his predecessors had done, at Canterbury. This Thurstan refused, and was obliged to remain with the pope, who was so warm in his quarrel, that he issued a bull, commanding Thurstan to enjoy his bishopric, under pain of anathema to the king, and suspension to the archbishop. This had such an effect, that, notwithstanding all Henry's resolution, he was forced to agree, that Thurstan should repair to York; but without entering upon any of his pastoral functions, before he had given satisfaction to the see of Canterbury.

It was during this controversy that Thurstan got

The archbishop of Canterbury goes to Rome.

Thurstan chosen archbishop of York.

Calixtus pope.

Consecrates Thurstan archbishop of York.

who is banished by Henry.

He is restored.



Eadmerus  
chosen arch-  
bishop of St.  
Andrew's.

got archbishop of St. Andrew's dying, Eadmerus, to whom we are indebted for that excellent history which bears his name, was, by the recommendation of the archbishop of Canterbury, elected bishop of that see by the king's licence, and by consent both of the clergy and laity.

[Hist. Ch. of  
Scotland,  
p. 33.]

But, says bishop Spotswood, the next morning, while the king conferred with him apart, touching his consecration, he began to magnify the church of Canterbury, and the authority it had over all the churches of Britain; declaring that, by his leave, he would seek the episcopal benediction from the bishop, and not receive it at the hands of any other. Which offended the king greatly; for by no means could he endure to hear of this church's subjection to the English. Thereupon the monks, who had been trusted in the years preceding with the intromission of the rents, were charged to uplift the same, and to impede the elect his possession. Yet, within a few days, the king going in an expedition against some rebels, in the country of Ross, by the intercession of some noblemen it was agreed, That Eadmerus should receive the ring out of the king's hand, and the crozier being laid upon the altar, he should take up the same; and that way be invested into the bishopric. In this sort was he entered to his charge, the clergy and people accepting him for their bishop.

The king of  
the Scots dis-  
gusted with  
him;

But it appears that Thurstan, being now in favour at court, had interest enough to prevail with Henry to interpose with the archbishop of Canterbury against Eadmerus's consecration there. Alexander king of the Scots had likewise an intimation of Eadmerus's practices, and conceived such a distaste to his person, that he could never after be reconciled to him. However, he carried things decently; only he insisted for the independency of the church of Scotland upon the see of Canterbury, or indeed any other. Eadmerus, quickly perceiving that he had lost the affections of that king and court, and that the archbishop of York was making a strong interest for the right of consecrating him, desired leave to go to Canterbury, to consult his friends there. But Alexander, to cut short all controversy, acquainted him in plain terms, That the dispute did not lie between the archbishopric of Canterbury or York, because he disclaimed both within his own kingdom; and therefore he could not suffer him to repair to Canterbury, nor take any directions from that see, as elect bishop of St. Andrew's. Eadmerus, nettled at this, and zealous for the rights of the see of Canterbury, replied, with perhaps too much warmth, That not for the bishopric, nay, not for all Scotland, would he renounce his relation to the see of Canterbury. Alexander, upon this, seized upon the revenues of the bishopric, and gave Eadmerus to understand, That he not only forfeited all his regard, but that he must not expect to leave Scotland without re-delivering the symbols of his investiture, the ring and pastoral staff. This Eadmerus was obliged to comply with, and to set out for Canterbury; from whence,

and he is de-  
prived of his  
ring and pas-  
toral staff.

notwithstanding all his submissions afterwards, Alexander never could be prevailed upon to recall him.

About the year 1122 died Ralph archbishop of Canterbury, a haughty prelate, but a mild companion. His haughtiness appears from an instance I have given in the civil history; and his mildness, from the character given him by Malmesbury, who calls him the most affable of mankind; and that, if he had any fault as a man, it was his descending too much from his character, in indulging himself in wit and laughing. John bishop of Bath died the same year, the same prelate who purchased the city of Bath from the crown, and removed thither the see of Wells. Soon after this was held a great Lateran council, under pope Calixtus. The canons of it were binding on the English, and serve only to inhanse the excessive great power of ecclesiastics.

Ralph archbi-  
shop of Can-  
terbury dies.

[See p. 448.]  
His character.

John bishop of  
Bath dies.

In the year 1123, William Corboyl was elected archbishop of Canterbury. This prelate was a canon regular, but was the first archbishop of that see who had never been a monk; and we find a national synod, under him, and John de Cremona legate of pope Honorius, convened in the year 1126 at London. This legate affected to shew a superiority over the archbishop of Canterbury, which greatly alarmed the English, who thereby perceived how insensibly the lustre and independency of their church was vanishing. In the synod I have just mentioned, Thurstan archbishop of York, twenty bishops, and forty abbots assisted. The canons which passed here have nothing in them peculiar, to require them to be repeated; only it is remarkable, that the legate, in a warm speech, having set off the dignity and the expediency of the clergy's celibacy, was himself convicted of having been in bed with a strumpet the very night that the canons of this synod, which are strong in favour of celibacy, passed. This brought him into such disreputation, that he was obliged with shame to retire out of England. The archbishop of Canterbury, finding the clergy of England much disgusted at the late appearance of the legate, had applied to the see of Rome for a legantine power to himself. This was a temporary and a destructive expedient, since he thereby tacitly yielded up the rights which his predecessors had ever enjoyed, of holding national synods as archbishops of Canterbury only. A synod, therefore, was held by the archbishop, as being pope's legate; and consisted only of fifteen suffragans. Thurstan archbishop of York, Ralph of Durham, Simon of Worcester, and the bishop of St. Asaph were absent; but there was a vast resort to it, both of clergy and laity. Little is remarkable in the decrees of this synod; only mention is made of a parish priest, for the first time, in the fifth article, which runs thus: "We forbid priests, deacons, sub-  
" deacons, and canons, to live with women  
" not allowed by law: but if they adhere  
" to their concubines or wives, let them be  
" deprived of their ecclesiastical order, dig-  
" nity, and benefice. If any such are parish  
" priests,

Corboyl e-  
lected arch-  
bishop of Can-  
terbury.

Calls a synod  
at London.

History of  
John de Cre-  
mona.

The archbi-  
shop of Can-  
terbury ob-  
tains a legan-  
tine power,

and calls a  
synod.

Parish priests,  
when first  
mentioned.

Johnson's col.



What their  
function in  
former times.

Church-  
wardens and  
overseers,  
when appoint-  
ed.

"priests, we cast them out of the order,  
"and decree them to be infamous." Now  
it is certain, that the person here called a  
parish priest was neither rector, vicar, nor  
assisting priest; nor could he be properly the  
curate, because in archbishop Arundel's con-  
stitutions there is an express distinction be-  
tween parish priests and curates or chap-  
lains: it is therefore probable, that he acted  
somewhat of the nature of a reader in one of  
our great parish churches at this time. By  
the sixth canon we find, that certainly officers  
were at that time appointed, under the title  
of ministers of the church, for managing  
the secular affairs of a diocese under the bi-  
shop, in the same nature as our modern pa-  
rish officers, church-wardens, overseers, and  
the like. For the punishment of married  
priests, and their concubines, are put into  
their hands, thus: "We require archdea-  
"cons, and other ministers whom it con-  
"cerns, to use their utmost diligence for  
"the rooting out this plague from the church  
"of God. If any neglect or connive at it,  
"let them be once and twice corrected by  
"the bishop, and the third time more se-  
"verely treated according to canon. Fur-  
"ther, That the concubines of priests and  
"canons be expelled out of the parish, un-  
"less they are lawfully married there. If  
"they are hereafter found faulty, let them  
"be seized by the ministers of the church:  
"And we charge, that they be not detained  
"by any power, great or little, under pain  
"of excommunication; but that they be  
"freely delivered to the ministers of the  
"church, and brought under ecclesiastical  
"discipline or servitude, at the discretion of  
"the bishop." I am apt to believe, that  
intrusting the execution of these penalties  
with laymen, gave Henry the handle to out-  
wit the clergy, in compromising matters  
with priests who lived in marriage or forni-  
cation.

See p. 453.

Pope Hono-  
rius dies.

In the year 1129 died pope Honorius;  
upon which a double election into the see of  
Rome followed; the one candidate was Gre-  
gory, a cardinal-deacon, who assumed the  
name of Innocent II; the other was Peter,  
a cardinal-priest, and a man of quality, who  
took the name of Anacletus II. By the per-  
suasion of the famous St. Bernard, Henry at  
last acknowledged the former, and brought  
in the king of France to do the same. But  
Anacletus had likewise a strong party, and  
it is hard, to this day, to fix where the right  
lay.

See p. 454.

Adelwald  
chosen first  
bishop of Car-  
lisle.

See p. 459,  
460, 461.

Corboyl arch-  
bishop of Can-  
terbury dies.

Having already taken notice of the see of  
Carlisle in this reign, little remains to be  
added to ecclesiastical occurrences under this  
prince; only that Adelwald, or Adelwulf,  
was chosen by the canons of Carlisle the first  
of that see, and had Cumberland and West-  
moreland assigned him by his diocese.

We have already fully considered the state  
of the English clergy at the accession of  
Stephen to the throne; how instrumental  
they were to his advancement, and what fair  
promises he made for their security. Corboyl  
archbishop of Canterbury died the first year  
of this king's reign; and Anselm, nephew

to the late archbishop, was chosen to the  
see of London, which had been vacant for  
two years; but, by the intrigues of the suf-  
fragans of the province of Canterbury, and  
the archbishop of York, his election was de-  
clared void by the pope, and the bishopric  
continued vacant for several years after.

We meet with no ecclesiastical occur-  
rence of importance, that we have not been  
obliged to interweave in the civil history  
under this reign, before the year 1138,  
when a synod was held at Westminster, un-  
der Albericus, who was then the pope's le-  
gate in England. The distracted state of  
Stephen's government prevented his making  
any vigorous resistance to the exercise of this  
prelate's authority, though it was in preju-  
dice of his own brother, who had enjoyed  
the legantine power ever since his accession.  
Little remarkable happened at this synod,  
besides some farther encroachments on the  
liberty of the clergy, and the independence  
of the church of England. But Stephen  
having, as they thought, been guilty of se-  
veral breaches of his charters to the church,  
the eleventh canon imports, "That whoever  
"shall violently take away the moveable or  
"immoveable goods of the church, shall be  
"excommunicated, unless he repent upon  
"canonical warning."

A synod at  
Westminster,  
under Alberi-  
cus the pope's  
legate.

In this council it was taken into considera-  
tion to fill up the see of Canterbury, still va-  
cant; and, to the disappointment of the am-  
bitious bishop of Winchester, Theobald ab-  
bot of Bec was chosen. When this prelate  
went to Rome for his pall, which he re-  
ceived, he, with the bishops of Worcester,  
Coventry, and Exeter assisted at a council  
held under pope Innocent II.

Theobald  
elected arch-  
bishop of Can-  
terbury.

In the year 1143, the bishop of Win-  
chester, as legate a latere from the pope,  
held a council at London, in presence of  
Stephen. Here two canons were made of  
a very extraordinary nature. The first was,  
"That none who violated a church, or  
"church-yard, or laid violent hands on a  
"clerk, or religious person, should be ab-  
"solved by any except the pope." The  
second ordains, "That the plough and hus-  
"bandman in the fields should enjoy the  
"same peace in the fields as if they were  
"in the church-yard." The last part of  
the first canon seems to have been plainly  
aimed at Aubry de Vere earl of Oxford, who  
was charged some years before with an in-  
tention to have seized the legate and other  
bishops, who were assembled at Winchester.  
Nor did the earl deny the charge; but bold-  
ly justified it, with a spirit uncommon to  
those times, under the commands of his  
master.

A synod at  
Winchester.

Chief canons.

See p. 488.

Theobald, the lately-elected archbishop of  
Canterbury, having been complimented by  
the pope with the title of Born legate, or  
legatus natus, in England, began now to dis-  
pute the authority of the bishop of Win-  
chester's legantine power. The pope, by ex-  
asperating the one against the other, sought  
to bring them both into a more immediate  
dependance upon himself: he, therefore, en-  
couraged applications from both parties; but,

at



at last, declared in favour of the archbishop of Canterbury. This was followed by many appeals, till that time unknown in England, to the see of Rome; all which served to establish more firmly the papal power.

William archbishop of York dies,

In the mean time died suddenly William archbishop of York. This prelate's election had been opposed by Henry Murdach, and the delegates of the chapter of York, at the council of Rheims; and they were favoured by St. Bernard with so much success, that William was deposed by pope Eugenius, contrary to the sense of the majority of his cardinals. His nomination by Stephen was made the foundation of this sentence; and the electors were divided in choice of his successor, one party pitching upon Murdach, and the other upon Hillary bishop of Chichester. William retired to a private life at Winchester till the death of Murdach, who was confirmed in his election; and then, that he might not seem to reflect on the sentence of the late council of Rheims, he renounced all right to his former election, and was elected anew. Upon this he undertook a journey to Rome, where, by the deference and submission he had sworn to the papal authority, his election was confirmed by the pope, and, together with the pall, he received consecration. As he was very popular in his province, upon his return, the confluence of people who met to welcome him was so great, that a bridge broke under them, though without any one losing their lives, which was attributed to the prayers of the good archbishop. He could not, however, guard against secret treachery; for we are told, that, before he had enjoyed his new dignity a month, he was poisoned by a priest in a consecrated chalice.

being poisoned by a priest.

See p. 488, 489. Charter granted to Battle-abbey disputed by the bishop of Chichester.

The behaviour of the clergy, with regard to the succession of Eustace, son to Stephen, has been already taken notice of; as is the archbishop of Canterbury's escape into Normandy. We are, therefore, now to proceed to the reign of Henry II, under whom we find the famous charter granted unto Battle-abbey was disputed, by the bishop of Chichester, before the king himself; the clause, as the prelate alledged, being against the canons. This could not fail of giving Henry a very disagreeable notion, which perhaps stuck with him ever after, of the ambition of the church; but how the controversy ended, we are in the dark.

Adrian, the English pope, dies.

In the year 1159 died the English pope Adrian IV, upon which a schism ensued, between Alexander III. and Victor IV; because the party of the former was espoused by Theobald archbishop of Canterbury, who prevailed with Henry to declare for him likewise, in a synod held in Normandy, in which both competitors had their agents.

A synod called concerning the Waldenses, a set of heretics,

In the year 1160, a synod, by command of the king, was held against a new set of heretics, as they were called, which appeared in England. They seem to have been the real Waldenses, though they went here under the name of publicans, and were not in number above thirty. Their notions, with regard to the creed, the trinity, and incar-

nation were orthodox; and their leader, one Gerrard, behaved with all the enthusiasm of one who was ready to lay down his life for his doctrine. As they spoke nothing but High-Dutch, this gives us a hint that the affinity between that language and the English then spoken was so great, that the two people understood one another. Their notions, however, according to our historians, were so extravagant upon other points of Christianity, that they were ordered to be publicly whipped, and branded with an iron in the forehead; and it was commanded, by public proclamation, that none of them should be relieved. This they bore with great courage, though they sunk under the punishment, and miserably perished in the rigour of winter.

who are stigmatized,

Theobald archbishop of Canterbury, after filling that see for twenty-two years, as we have seen before, was succeeded by Thomas Becket, Henry's chancellor and first minister. The difference between this prelate and Henry has been, in the civil history, so fully handled, that I shall repeat no part of it here, it being in effect not so much an ecclesiastical as a civil dispute. See p. 505, &c.

Thomas Becket archbishop of Canterbury.

The conquest of Ireland, under this king, gave a new addition to the jurisdiction of the English church, though that country before had, in some measure, professed canonical obedience to the see of Canterbury. It appears that, at the time of its conquest, some part of the island was still heathen; but it was small, and its inhabitants, though rude, untractable, and wedded to their own savage customs, had so great a regard for churchmen, that no blood, on account of religion, had been shed in that island. The clergy in general were grossly ignorant, most of the bishops being chosen out of monasteries. The inferior clergy, indeed, though ignorant, were innocent and regular. Soon after Henry's affairs were settled there, a synod, by his orders, was held at Cashel, at which Nicholas, Henry's chaplain, and Ralph the archdeacon of Landaff assisted. In this synod, by the advice and direction of the English clergy, some articles were agreed to, which tended highly to the civilizing that people, and are as follow: "1. All the Irish were obliged to disengage from unwarrantable nearness either in consanguinity or affinity, and marry only within the degrees unprohibited. 2. Their children should be catechized (i. e. their godfathers should be interrogated) at the door, and baptized in the font at churches, which have a right to baptize. 3. That all Christians should pay their tythe of cattle, corn, and other issues and profits, to the parish-church where they dwell. 4. That all the lands and effects belonging to the church should be disincumbered from all services and burdens put upon them by the laity; particularly that neither the petty princes, earls, nor any great men of Ireland, should insist any longer upon the custom of entertainment, or free-quarter for themselves or their families, upon the estates of the clergy. 5. That when any of the laity com-

A synod at Cashel.

Collier;

" pound



“ pound with their enemies for murder, the  
 “ clergy who were their relations should  
 “ not be obliged to pay part of the fine.  
 “ 6. That all masters of families, when  
 “ visited with sickness, should make their  
 “ will, in presence of their confessor, and  
 “ some of their neighbours; and, after a  
 “ division of their goods and chattels into  
 “ three portions, one third was to be dis-  
 “ posed of to the children, another to the  
 “ wife, and the remainder was to be set  
 “ aside to defray the funeral expences.  
 “ 7. That those that died confessed, and  
 “ in the peace of the church, should be  
 “ buried with the accustomed ceremonies,  
 “ and have mass said for them. And in  
 “ short, the Irish, for the future, were to  
 “ conform, in all their rituals and divine  
 “ service, to the model of the church of  
 “ England.”

History of the  
 election of an  
 archbishop.

The election of a successor to Thomas Becket had something in it very particular. Old Henry was then in France, and the government of England was in the hands of his son, who ordered Odo prior of Canterbury, and his convent, to proceed to a new election. The prior, in the first place, demanded that the election should be free; but young Henry, either not knowing, or not willing to know, how far that term might extend, would not explain himself on that point, but ordered the prior to consult his father about it. The prior accordingly going to France, found Henry extremely pliable and penitent, and very inclining that they should elect the bishop of Bayeux, a person who could be easily wrought to his purposes, and become subservient to his designs. But, upon the return of the prior to England, he found the government no way disposed to grant them a free election; and this put the electors upon an expedient to meet the court half way. Three persons, therefore, were proposed by the electors, of which one was, by order of Henry, to be confirmed into the archbishopric. This was accepted of, and the choice fell upon Roger abbot of Bec, who was approved of by the king; but neither the authority of his own order, nor the representations of the court, could prevail upon that elect to accept of that dignity.

During this interval, six sees were filled by the influence of the court, and the sons of clergymen, notwithstanding all that had passed, were still preferred in the church. These were Reginald, son of Joceline bishop of Salisbury, who was made bishop of Bath; Richard de Ivecestre, archdeacon of Poictiers, was preferred to the see of Winchester; Robert Foliot to that of Hereford; Geoffrey Riddel, archdeacon of Canterbury, to Ely; and John de Greenford to Chichester. The see of Canterbury remained still vacant; but at last the choice fell upon Richard prior of Dover, who was agreeable to the elder Henry, but appealed against by his son, the young king. This obliged the new elect to undertake a journey to Rome, where, notwithstanding all the opposition of the younger Henry, he obtained consecration and a pall

from the pope himself. At the same time the lately-elected bishop of Bath resided at Rome, as agent for himself and the other five elects, in order to obtain confirmation. The haughty pontiff, upon this, demanded why the other five were not there in person likewise; particularly mentioning the bishop of Ely. “ May it please your holiness, answered the resident for young Henry, he has an evangelical excuse for his absence.” “ What is that?” said the pope. “ He has married a wife, replied the resident, and therefore he cannot come.”

In the year 1175, a provincial council was held by Richard archbishop of Canterbury. Roger archbishop of York refused to be present at this council, because his claims were not allowed. These were, that his cross should be borne before him within the province of Canterbury; and that the dioceses of Lincoln, Chester, Worcester, and Hereford should be considered as annexed to the province of York. The clergy of York likewise demanded, that the archbishop of Canterbury should make satisfaction for excommunicating the clergy of St. Oswald, in Gloucester, for not submitting to him as their metropolitan. A petition was also preferred to this synod by the clergy of St. Asaph, who desired that their bishop, Godfrey, who had been driven from his diocese by the commotions of the Welsh, should be restored to them. But that bishop, having had the guardianship of the vacant abbey of Abbingdon, thought himself much happier there than in his see. He, therefore, made no difficulty in resigning the bishopric; but he thereby lost both livings: for the king filled up the abbey in favour of another. But to return to the provincial council.

A provincial  
 synod held at  
 London.

The decrees which passed in it are all of them, except the sixth and ninth, extracted from former councils and decrees of the church; and, as they are all of them much more moderate and moral than the general complexions of that age admitted of, I shall give them a place here, because I find no contemporary ecclesiastical acts so much for the honour of the clergy who passed them.

- I. “ If any priest or clerk in holy orders,  
 “ that has a benefice, publicly keeps a con-  
 “ cubine, and does not dismiss her upon a  
 “ third admonition, let him be deprived of  
 “ office and benefice. Any under subdea-  
 “ cons must keep their wives, if they are  
 “ married, except, by mutual consent, they  
 “ chuse to be religious; but they are not  
 “ to be beneficed, if they live with their  
 “ wives. But they who have married since  
 “ they were subdeacons, are to leave their  
 “ women, whether they consent or not.  
 “ And let not sons be instituted in their fa-  
 “ thers benefices, unless some one succeed  
 “ between them.
- II. “ Let not clerks in holy orders go to  
 “ eat and drink in taverns, nor be present  
 “ at drinking-bouts, unless in their travels.  
 “ Let the offender desist, or be deposed.
- III. “ Let not a man in holy orders be  
 “ concerned in judgments concerning blood,  
 “ nor by himself, nor by any other, inflict  
 “ deprivation

Its canons.  
 Johnson's ca-  
 nons.

Richard prior  
 of Dover e-  
 lected arch-  
 bishop of Can-  
 terbury.



“ deprivation of member. Let the offender  
 “ be deprived of office and place. We  
 “ threaten anathema to that priest who takes  
 “ the office of sheriff or reeve.

IV. “ Clerks that wear long hair are to  
 “ be clipped by the archdeacon, even against  
 “ their will. Nor may they use any cloaths  
 “ or shoes but what are decent. He that  
 “ does not mend upon admonition, let him  
 “ be subject to excommunication.

V. “ Because clerks, for their ignorance,  
 “ incontinence, defect of birth, title, or age,  
 “ despairing of higher orders from their  
 “ own bishops, procure, or pretend them-  
 “ selves to be ordained by foreign bishops,  
 “ and so bring seals unknown to their own  
 “ diocesans; we, therefore, annul their or-  
 “ ders; forbidding, with the terror of ana-  
 “ thema, any to admit them to the exer-  
 “ cise of their function. Let any bishop of  
 “ our jurisdiction, who, knowingly, ordains  
 “ or receives such a clerk, be suspended  
 “ from conferring that order to which he  
 “ thus admitted the foreigner, till he makes  
 “ due satisfaction.

VI. “ Since the church of God ought to  
 “ be a house of prayer, not a den of thieves,  
 “ therefore we forbid, under terror of ana-  
 “ thema, all secular causes concerning blood  
 “ and corporal punishment to be tried in  
 “ churches, or church-yards; for they are  
 “ sanctuaries for the guilty, not courts of  
 “ blood and cruelty.

VII. “ The holy synod detests symoniacal  
 “ heresy, and ordains, That nothing be de-  
 “ manded for orders, christenings, baptism,  
 “ extreme unction, burial, communion, nor  
 “ the dedication of a church; but that what  
 “ is freely received, be freely given. Let  
 “ the offender be anathema.

VIII. “ Let no prelate exact, or take by  
 “ way of bargain, any price for the recep-  
 “ tion of any monk, canon, or nun, who  
 “ enters into a religious life. If any do, let  
 “ him be anathema.

IX. “ Let none transfer a church to ano-  
 “ ther, in the name of a portion; or take  
 “ any money, or covenanted gain, for the  
 “ presentation of any one. He that is guilty,  
 “ by conviction or confession, is for ever de-  
 “ prived of the patronage of that church, by  
 “ the king's authority and ours.

X. “ We forbid, under terror of anathe-  
 “ ma, monks or clerks to trade for gain;  
 “ and monks to hire farms either of clerks  
 “ or laymen; and laymen to take ecclesi-  
 “ astical benefices to farm.

XI. “ Let none that would appear to be  
 “ clerks, wear or bear arms; but make their  
 “ manners and cloaths suitable to their pro-  
 “ fession; or else be degraded as despisers of  
 “ the canons, and of ecclesiastical authority;  
 “ for none can be a soldier to God and the  
 “ world at once.

XII. “ If vicars, in contempt of the faith,  
 “ and oath made to the parsons, lift them-  
 “ selves up against them, assuming to them-  
 “ selves a parsonage, and be legally convict-  
 “ ed of it, or confess it, let them no longer  
 “ be allowed to officiate in the same bi-  
 “ shopric.

XIII. “ All tythes of land are the lord's.  
 “ Let all who are unwilling to pay them be  
 “ thrice admonished, according to the pre-  
 “ cept of the pope, to yield the tythes of  
 “ grain, wine, fruits of trees, young animals,  
 “ wooll, lamb, butter, cheese, flax, hemp,  
 “ and whatever is yearly renewed; and be  
 “ laid under anathema if they do not amend.  
 “ Let the imperial sanction check the auda-  
 “ cious, by condemning them in cost, and  
 “ by other means. Agreeably to the sacred  
 “ institutes we charge, that in suits between  
 “ clerks, in pecuniary matters, he that is  
 “ cast to be condemned in cost. I leave him  
 “ that is insolvent to be punished at the bi-  
 “ shop's discretion.

XIV. “ But ten prefaces are found in the  
 “ sacred catalogue; one for Low-sunday, a  
 “ second for Ascension-day, a third for Pen-  
 “ tecost, a fourth for Christmas-day, a fifth  
 “ for the apparition of our Lord, a sixth for  
 “ the apostles, a seventh for the holy trinity,  
 “ an eighth for the cross, a ninth for Lent-  
 “ fast only, a tenth for the blessed virgin. By  
 “ authority of this decree, and of pope A-  
 “ lexander, we forbid any more to be added.

XV. “ We forbid the eucharist to be sop-  
 “ ped, as if the communion were by this  
 “ means more entirely administered. Christ  
 “ gave a sop only to that disciple whom he  
 “ pointed out for a traitor, and that not to  
 “ denote the institution of this sacrament.

XVI. “ We charge that the eucharist be  
 “ not consecrated in any chalice not made  
 “ of gold or silver; and that no bishop bless  
 “ a chalice of tin.

XVII. “ Let no faithful man, of what  
 “ degree soever, marry in private; but in  
 “ public, by receiving the priest's benediction.  
 “ If any priest be discovered to have married  
 “ any in private, let him be suspended from  
 “ his office for three years.

XVIII. “ Marriage is null without con-  
 “ sent of both parties. They who marry  
 “ boys and girls do nothing, unless both  
 “ consent after they come to age of discre-  
 “ tion: therefore we forbid the conjunction  
 “ of those who have not both attained the  
 “ legal and canonical age, unless there be an  
 “ urgent necessity for the good of peace.”

The constitutions of Clarendon being con-  
 firmed at Northampton in the year 1176, Synod at Northamp-  
ton.

an ecclesiastical synod was likewise held at  
 the same place and time. Here the king of  
 the Scots, with his clergy, appeared, accord-  
 ing to Henry's summons, and were required  
 to own the superiority of the English church;  
 but this he absolutely refused to do, notwith-  
 standing Roger archbishop of York insisted  
 very warmly upon his rights. But the arch-  
 bishop of Canterbury putting in the same  
 claim, the Scots took advantage of their  
 jarring to retire without making any submis-  
 sion. As all our historians are very unani-  
 mous in this point, it redounds greatly to  
 the honour of the church of Scotland: for  
 nothing is more certain than that their king  
 had, two years before, in the instrument of  
 subjection which he made to Henry, engaged  
 for the church of Scotland, that it should be  
 subject to that of England, in like manner

The Scotch  
clergy refuse  
obedience to  
the English  
church.



as it had been in former times. This expression must be allowed to carry with it an undetermined sense; and it would appear as if, at the time of drawing up this instrument, the two kings had been by no means clear on this point; and that the independency of the Scotch church was at this time saved purely by the stand which her clergy made. Upon the breaking up of the council, however, the king of the Scots, that he might not seem to break with Henry in a matter wherein the latter had so good a handle to call upon him for the performance of his engagements, submitted the whole to the pope, and to his award. Upon this the pope sent one Vivian, a cardinal, upon pretence of settling this matter, but in reality to extort money; so that nothing was done in the affair: for the Scotch king, before this agent entered his kingdom, gave him an intimation that he would suffer him to do nothing in prejudice of his crown and kingdom. Nay, that king went so far, as to oblige him to take an oath that he would attempt nothing of that kind.

The dispute of precedence between the two primates revived.

The primate of York bastinado'd.

The same year the dispute about precedence broke out, between the two primates of Canterbury and York, in a very flagrant manner. For Hugezun, the pope's legate, having summoned a synod of all the bishops of England to meet at Westminster, the archbishop of Canterbury seated himself on the right-hand of the legate; upon which his brother of York, coming into the assembly, seated himself in the lap of the archbishop of Canterbury. This, it seems, exasperated the bishops who sat near him so much, that they plucked the archbishop of York from his seat with great indignation, and treated him so roughly, both with their hands and their feet, nay with sticks and staves, that the consequences were like to prove mortal, had not the good archbishop of Canterbury interposed, and rescued him from their resentment. The primate of York was so far from having a grateful sense of his deliverance, that he went, with his cloaths all torn as they were, and threw himself at the feet of the throne, while the legate threw all the blame upon the primate of Canterbury. In short, the incident became at last a matter of mirth, and was hushed up by mutual agreement, and the legate departed for Rome. At last an end was put to the dispute, at least for some time; for, by the intercession of Henry, it was agreed between the two archbishops, that all animosities between them should cease for five years, till the pleasure of the pope should be known. In the fourth year after, the affair seems to have been decided in favour of the see of York so far, that pope Alexander determined that neither metropolitan should claim precedence of the other but according to the seniority of their ordination.

Decided by pope Alexander III.

It is to this period that we are to fix several explanations which Henry made upon points very interesting to the English clergy. Mr. Collier, by a mistake, says, that he probably made these concessions to the legate Hugezun; but Matthew Paris expressly tells

us, that he made them to one Peter Leon, who came into England about this time. They were as follow:

I. "That no clerk should be prosecuted in a secular court, for any trespass or crime, nor appear in person upon any action, unless the matter related to the king's forests, or the fee was lay, and by consequence liable to service, due either to the king, or some other secular lord.

Henry's concessions to the clergy.

II. "That no archbishopric, bishopric, or abbey should be kept in the king's hands more than a year, unless upon urgent necessity.

III. "That those who were convicted, or confessed the murder of any clerk, should be punished by the justiciary of England, in the presence of the diocesan.

IV. "That clerks should not be compelled to maintain their title or reputation by combat."

But, notwithstanding this indulgence of the king, the pope, about this time, found great fault with the English clergy, for meddling too much in secular affairs, and neglecting their spiritual functions in haunting the court. He even wrote a reprimanding letter on that subject, in which the bishops of Winchester, Ely, and Norwich were particularly charged. These prelates, with the rest of the English clergy, immediately applied to the archbishop of Canterbury for their vindication, and he wrote a letter to the pope on that subject. It is drawn up in so artful a manner, and contains so many of the common-place arguments, by which all Europe, sooner or later, have been since governed by churchmen, that I cannot help giving my reader an extract of some parts of it in the words of a Collier's priest.

After vindicating the characters of the persons aspersed, and proving, from precedents in the Old Testament, that churchmen used to intermeddle in civil affairs, he acquaints his holiness, that unless some of that character were near the king, and had an interest at court, people of slender principles and ill morals would cabal to the prejudice of religion, and be always forming projects against the church. That attempts of this nature were now checked and discouraged, by the bishop's being upon the spot; and if such disaffected people grew hardy and enterprising in their encroachments; if they took no notice of the remonstrance of the bishops, and were unreclaimed by spiritual censures, the church had then an opportunity of applying immediately to their prince, and reinforcing the ecclesiastic with the civil authority. Further, if, upon a provocation, the prince's passion rises to an excess, the bishops are at hand to allay the heat, and moderate the displeasure. How often are the rigours of justice abated at their intercession, the grievances of the injured redressed, and the honour of religion maintained. By this expedient the indigent are relieved, and the public tranquility secured. Thus monasteries enjoy their privileges without disturbance, justice has its free course, and pride and ambition are discountenanced. Thus the devotion

The archbishop of Canterbury's letter to the pope, to justify the bishops living at court.



votion of the laity is encreased, and religion gains ground and vigour. The courts of justice are preserved from warping, the laws of the kingdom are better recommended, and the revenues of the church preserved from spoil and invasion. In short, the sight of such men has an awe upon the practice, and contributes to the sobriety of the court. Besides, upon all solemn festivals these prelates are present at their cathedrals; and here, by large distribution of charity, by unusual activity in government, and by all the instances of good conduct in general, they made sufficient amends for the time they

had spent at court. That this was no more than what was usual in other parts of Christendom. That the bishops of Sicily, for this purpose, lived at court for seven years together, without the least recess; and that the affairs of their dioceses were well managed notwithstanding.

We are told, that, soon after this, the Scotch clergy submitted to the archbishop of York as their metropolitan; but of this we have no account in the Scottish history, their writers, with one voice, disclaiming all such dependancy (1). But about this time happened a dispute concerning the exemption which

(1) I shall here give the sentiments of a learned Scotch antiquary upon this head.—Roger archbishop of York renewed this claim, and is said to have obtained pope Adrian the IVth's bull, directed to the Scottish bishops, in his favour; with a threatening, that if they did not subject themselves to him, as their metropolitan, *Scire vos volumus quod nos sententiam quam idem frater noster (Rogerus) in aliquem vestrum propter hoc canonice promulgaverit, nos auctore Deo ratum habebimus.* This pope, beginning in the reign of Malcolm IV., in granting this bull, has presumed upon that king's youth. Who that bishop was against whom archbishop Roger pronounces sentence, I know not; perhaps he was Christianus episcopus Candidæ casæ [Whithern], upon which see he might have had a claim from the time of the Northumbrian Saxons and Picts. Albeit, that bishop is said to be consecrated by the archbishop of Roan, and not by the archbishop of York; nor did he pretend to depend upon the see of York till the year 1176. As John Brompton says, that being cited to appear before the cardinal Vivianus, at a council held apud castellum puellarum [Edinburgh], and not appearing, upon pretence of his being subject to York, he was suspended from his bishopric. I shall not enquire nicely whether this bull be genuine or not. There were indeed ten Scottish bishops at that time; but certain it is, that the bishops are not ranked in the usual manner: Robertus Sti. Andreae, being only put in the third place; and M. de Dumblain is not like to be right named, Laurentius and Jonathus being bishops there in the time of king Malcolm, as has been said. The seventh is G. Appredunensis, perhaps Abredonensis; but then no bishop beginning with the letter G. is to be found at that time, only Edward, who succeeded Neftan, and preceded Matthew. However it is, the bull received no obedience; for, after this time, we have many consecrations of Scottish bishops in the chronicle of Melrofs. For, as Herbertus was consecrated bishop of Glasgow by pope Eugenius, anno 1147; so Arnold was consecrated bishop of St. Andrew's, apud sanctum Andream in Scotia a Willielmo Muraviensi episcopo sedis apostolicæ legato. I see him ranked before Arnold bishop of St. Andrew's, in a charter of Coldingham. The same bishop Arnold, when he was the pope's legate, did consecrate Gregorium Rosemarkiensis episcopum. Ingelram was consecrated bishop of Glasgow by pope Alexander III, apud Lenonensem civitatem die apostolorum Simonis et Judæ, licet nuntii Eboracensis archiepiscopi multum resisterint. It is added, Archiepiscopus venit Norham, ut legatione fungeretur per Scotiam, sed nuntii regis Scotiæ resisterunt ei, et contradixerunt ejus legationi, et inde rediit confusus. Sir Robert Sibbald, in his treatise of liberty and independency, enlargeth further on this subject, from the MS. in the lawyer's library, entitled, *Extracta e Chronicis Scotiæ*; wherein it is said, that Ingelram was one of these messengers sent by the king to oppose archbishop Roger at Norham. A consequence of this was, that, in the next year, Richard the king's chaplain was consecrated apud sanctum Andream in Scotia, ab episcopis ejusdem terræ. Another instance is of Richard bishop of Dunkeld, who, in the charters of Coldingham, is designed Capellanus comitis Willielmi, to distinguish him from Ricardus capellanus regis Malcolmi, afterwards bishop of St. Andrew's, in these words: Ricardus capellanus regis Willielmi consecratus est in episcopum Dunkeld, in vigilia sancti Laurentii, a Ricardo episcopo sancti Andreae in cathedrali ecclesia sancti Andreae. Simon, elect bishop of Murray, was consecrated at St. Andrew's; as was Matthew, elect of Aberdeen, Jocelinus abbas monasterii de Mailrofs, numero quartus a clero, a populo exigente, et rege ipso assentiente ad ecclesiam Glasguensem præful eligitur. The same year of his election, the king was taken prisoner at Alnwick. The next year, ex mandato domini papæ Alexandri tertii, in episcopum consecratus est a domino Eskilo Lundeni archiepiscopo, sedis apostolicæ legato, et totius Daciæ, primate, in clare valle. These I give for proofs, that pope Adrian's bull of primacy to York was neither regarded by the pope, or the Scottish bishops; but that, notwithstanding thereof, they were consecrated by the pope himself, or his legates in Scotland or abroad, by natives or foreigners, and by the bishop of St. Andrew's when he was no legate; and the bishop of St. Andrew's was consecrated by the other bishops of Scotland; and there is not one instance, in this time, of the consecration of a Scottish bishop by the archbishop of York, or by any licence from him; albeit, it cannot be pretended, that the monuments of the church of York in these times were lost, being a long time after they were burnt by the Normans. The great proof for the primacy of York is taken from a bull of pope Alexander III, directed to Roger archbishop of York his legate, containing the tenor of king William's letter to him, asserting the subjection of the Scottish church to York; and that he had found their right to be ancient, but that they had lost their possession by the hostility and power of the kings his predecessors; and, by the peace between the king of England (his lord) and him, he was obliged to entreat the pope to restore the possession and subjection to the said king (his lord) and his kingdom, and to the church of York; and that it could not be otherwise, without the danger of his soul, seeing he had confirmed the treaty of peace by his oath. It is plain, that this base and servile letter to the pope, if genuine, was procured by king Henry II. and the archbishop of York, after king William was prisoner at Alnwick, in the year 1174; seeing the letter calls the king of England his lord, and that king William was obliged in conscience to make that declaration, because of the treaty of peace confirmed by oath: and the strain of it is like that of the forged charter of homage ascribed to king Malcolm III, containing some gross reflections upon the king's predecessors, and so derogatory to the honour of the kingdom. This bull and letter behoved to be before the year 1181, in which pope Alexander and archbishop Roger died; and after the mandate by this pope to Eskilus his legate, primate of Dacia, for consecrating Joceline bishop of Glasgow, in the year 1175 before mentioned. Another bull, anno 1172, by the same pope, to the dean and chapter of Glasgow, asserting the independency of that church upon any bishop except their own and the pope himself, is of a quite contrary strain, and hath also been before the afore-mentioned bull of subjection, which has been the result of king William's undertaking, while prisoner, to endeavour the subjection of the Scottish church to that of York, which the archbishop could not make effectual in the year 1176, at the council of Northampton, where it was agitated, in presence of the kings of both kingdoms, and the clergy of both nations, that the primacy of Roger archbishop of York might be declared, for which (they said) the popes from Paschal II. to Adrian IV. by their letters, had interposed; but the Scots reclaiming, particularly Gilbert Murray, afterward bishop of Caithness, in his harangue noted by Fordun, and lately printed by Sir Robert Sibbald, the matter was referred to pope Alexander, who made no decision. Roger Hoveden has a full relation of this council, and Polydore Virgil in the later times, who also tells, that he had seen the pope's letters extant at York. The author of the Antiquities of the British Church saith, that in this council the controversy was between the archbishops of Canterbury and York, to which of them the primacy of the Scottish church should belong, the king of Scotland being then overcome, and having sworn obedience to the king of England. The king was unwilling to decide till the pope's legate was present; and then the council being met, before the legate Hugo, at Westminster, the two archbishops contending which of them should sit next to the cardinal on the right-hand, archbishop Roger was thrown to the ground, and trodden under foot, and so the council broke up in disorder. Roger, the next insister for the primacy, was as turbulent and factious as his predecessor archbishop Thurstan. Hoveden saith, that with king William were present at this council, Richard bishop of St. Andrew's, Joceline bishop of Glasgow, Richard bishop of Dunkeld, Christian bishop of Galloway, Andrew bishop of Caithness, and Simon de Tourn bishop of Murray, and the rest of the bishops, abbots, and priors of the kingdom; when they were desired to profess subjection to the English church, such as they are, and were accustomed to do, in the times of the king's predecessors, which they had confirmed to the English by oath. The Scottish clergy answered, That they neither owed, nor were accustomed to profess, subjection to the English church in the time of the king's predecessors. Archbishop Roger replied, That the bishops of Glasgow and Galloway were subject to the see of York in the time of the archbishops his predecessors; and is said to have shewn the pope's concessions to that purpose. Bishop Joceline answered, That the church of Glasgow was



which certain religious houses pleaded from episcopal jurisdiction. It appears that the abbots had generally the benediction of the archbishop to qualify them for acting in their stations; but the abbot of St. Augustine's at Canterbury at this time had interest enough at the court of Rome to put himself and his society under the immediate protection of the pope, and to procure an exemption from the profession of canonical obedience. This was looked upon by the archbishop of Canterbury as highly derogatory to his rights, and accordingly he wrote a long expostulating letter about it to the pope, in which he is very free with the abuses of the Romish tribunal, and hints as if he saw into the design which the church of Rome had in depressing the power of bishops in favour of religious houses. This had such an effect at Rome, that though the pope allowed the abbot all his privileges, without receiving his benediction from the archbishop; yet it was not without a salvo in favour of the latter, and his dignity.

The Albingenses heretics.

A Lateran council at Rome

determines the number of cardinals proper for the election of a pope.

The other decrees of the council.

The heresy of the Albingenses, as it was called, at this time began to appear very strongly in England. They were much the same with the Waldenses already mentioned; and, though their tenets had been grossly misrepresented by the historians of those times, yet it is certain, that in general they retained the purer parts of worship, doctrine, and practice, as they are now practised among protestants. They were very frequent in the dominions both of the kings of France and England, who endeavoured to suppress them, but in vain; upon which they were declared excommunicated. This zeal was very agreeable to the court of Rome, where a Lateran council was held, at which were present several of the Scotch bishops, two Irish archbishops, and six bishops; together with four English bishops, viz. those of Durham, Norwich, Hereford, and Bath. The design of this council was to prevent great numbers of abuses arising from controverted elections of the popes, which had of late so sensibly affected all Christendom; and to put a stop to the growing sect of the Albingenses, and other heretics. It was in this council the famous decree was first made, That two thirds of the electing cardinals were necessary for the choice of a pope. As to the heretics, they were proscribed, and all persons were prohibited either to correspond with or to entertain them. Several other decrees likewise passed, which were in themselves laudable, and some indifferent; but all tending to shew the incredible depravity of churchmen at that time. For instance, it was ordered, That no person should be promoted to a bishopric before he was thirty years of age; and that he should be well recommended for his learning. No benefices were

to be promised away before a vacancy, nor kept longer than six months vacant. Clergymen were prohibited from meddling in secular affairs; and parochial priests from accepting of pluralities. Bishops, who ordained persons into the clergy who had no prospect of a living; were obliged to maintain them till provided for. Jews and infidels were prohibited from having Christian slaves. Usurers were to be treated as excommunicated, as were all those who plundered shipwreck'd persons. Archbishops were not to travel with above fifty horse in their retinue; bishops were limited to thirty, legates to twenty-five, and archdeacons to seven. All tiltings and tournaments were forbidden, under severe penalties. Every cathedral was to furnish a school-master for teaching the children gratis. Laymen were prohibited from granting tythes to one another; and no clerk was to visit a nunnery, without sufficient cause.

It was, perhaps, in consequence of those regulations, that we find the pope, at this time, bearing very hard upon Geoffrey, the king's natural son. He had been elected into the see of Lincoln, but remained seven years without consecration, all the while putting the revenues of the see into his pocket. This was looked upon as a very scandalous practice; and Geoffrey had an alternative from the pope, either to accept of orders, or relinquish his preferment in the church. As he was, of all mankind, at that time of life, the least qualified for an ecclesiastical function, he chose the latter, in his resignation under his own hand to the archbishop of Canterbury, who sent a copy of it to the chapter of Lincoln, that they might give him his discharge. Soon after this an enquiry was made into the grounds of the right of exemption which the abbot of St. Augustine's at Canterbury pleaded from archiepiscopal jurisdiction. It was with difficulty that the abbot was brought to produce the charters which he pretended were in his possession, and not till the pope expressly required him. But when they appeared, they contained such palpable marks of forgery, that no regard was paid to them. About this time died three eminent prelates, Roger archbishop of York, John bishop of Salisbury, and Walter bishop of Rochester. The first was eminent for the pious purposes to which he bequeathed the great estate he had amassed. The second was one of the chief ornaments of the age in which he lived, for learning and regularity: he was closely attached to the fortunes of archbishop Becket: he reproved, with great freedom, vice in the highest station; and was author of several tracts, above the polishing of that age. The death of the bishop of Rochester gave occasion to a very important decision between the king and the

The bishop of Lincoln resigns his see;

The charters of the monks of St. Augustine's found to be forged.

See p. 557.

was an immediate daughter of the Romish church, and exempted from the jurisdiction of all archbishops and bishops; and if at any time the archbishops of York had power over the church of Glasgow, he was to have it no more. This he might very warrantably say from the fore said bull of exemption to the dean and chapter of Glasgow; nor do I see what could be the ground of this claim over Glasgow, when the bishops John, Hubert, Ingelram, and this Joceline, were consecrated bishops of Glasgow by the pope, and his legate the primate of Dacia: but it is plain, by his insisting only against these two bishops, he passed from his primacy over the rest of the Scottish bishops and their clergy. Sir James Dalrymple's Collections, p. 320, 321, 322, 323, 324, 325.



archbishop of Canterbury; for the latter, in a right of his superiority over the see of Rochester, immediately seized all the temporalities of that bishopric. A kind of a caveat was put in by the government of England against such a proceeding, until the king should give his consent. Henry was then in Normandy, and not only in great distress, but standing much in need of the archbishop's assistance; he therefore sent back the commissioners who waited on him on this occasion, with an order entirely in favour of the archbishop, who, upon this, nominated Gualeran (archdeacon of Bayeux) to the see of Rochester.

The pope demands an aid of king Henry.

In the year 1183, Henry was applied to by pope Lucius, who was now oppressed by the citizens of Rome, for an aid to defend St. Peter (by whom he meant himself) against all attacks. When the legates applied to Henry for this, he was in Normandy; and, after consulting with his clergy, he very wisely chose to issue a sum for the pope's assistance out of the royal exchequer, rather than, by suffering the legates to proceed to England, to introduce a custom which might be injurious and detrimental to his subjects; but which he was then in no condition to prevent. At this time, Vivian, another legate, was busy in collecting money for his master among the natives of Ireland: but, while he was in Downe, where he encouraged the Irish to fight against the English, that city was taken by the latter, and the legate was obliged to take sanctuary in the cathedral. Being provided, however, with passports from the court of England, the conquerors gave him quarter, and shewed him great regard. Upon this he went to Dublin, where he held a national council, with a view of bringing the church of Ireland to an entire conformity to that of Rome; but the English government there, soon perceiving his drift, not only disappointed him in that, but in his projects of raising money upon the inhabitants; upon which he left the kingdom to return to Scotland.

Vivian the legate holds a council in Dublin.

Richard archbishop of Canterbury dies.

In the year 1184 died Richard archbishop of Canterbury, a harmless, but time-serving, wealth-amassing prelate. The manner of filling up the vacancy of this see is a proof how extremely embarrassed Henry was with regard to every thing affecting the church, and how very cautious he was to do nothing that could offend any party. A difference happening between the prelates and the monks of Canterbury, about the right of electing, the latter, who undoubtedly had the most legal title to it, produced royal charters, and quoted precedents, to support their claim: but the authority of those charters and precedents were disputed by the bishops, who pretended that it was highly reasonable they should have the liberty of choosing their own metropolitan. The first meeting that was held thus breaking up without effect, another was summoned by the king to assemble at London; where the bishop of London, who had the first vote, giving his voice for Baldwin bishop of Worcester, he was followed by the other bishops;

The monks of Canterbury have a right to elect the archbishop to the see.

Baldwin bishop of Worcester elected archbishop of Canterbury.

but the monks of Canterbury not only refused their voices, but appealed to the pope. In the mean time, the king and the royal family had all of them received Baldwin as archbishop; and Henry, finding the monks still obstinate, undertook a journey in person to Canterbury, to bring them over. He succeeded so far, as that they declared they had no exception to Baldwin's person, provided their rights of election were saved. Henry thereupon consented, that they should have the formality of a new election, provided they pitched upon Baldwin. This was agreed to; and Allan, their prior, with a select number of the chapter, set out for Westminster with a deputation from the whole body. There the bishop was again formally elected; Te Deum was sung; he received the canonical kiss, and was anew presented to the king and the royal family for their approbation. The monks hereby saving themselves all their rights, and baffling the designs both of the court and the prelates, the archbishop, with the approbation of Henry, laid down a scheme for destroying their interests in all future elections. This was, by erecting a society of secular canons at Hackington, about half a mile from Canterbury. The canons, who were to have been twenty in all, were to be supplied by the suffragans of the province, and one by the king, and the right of filling up vacancies to descend in the same order; while the archbishop was to be at all the expence of building a magnificent church and college, which were to be dedicated to the memory of Becket. Those appearances were so very plausible, that the pope not only encouraged the project, but granted a fourth of all the offerings made at Becket's shrine to the archbishop for carrying on the structure. The archbishop likewise formed a scheme of bringing the monks of Christ-church, in the mean time, entirely under his subjection; and had sent commissioners to Rome, not only to manage this point, but to complain of the insolence of their behaviour. But the artful monks knew their own strength: they represented to the pope the hardships they lay under, by the severity of the archbishop, who had suspended their prior, and several other members; and that he never could have ventured on this, had there not been a secret intelligence between him and the temporal power, which might in time both oppress them, and endanger the authority of the holy see. As to the new church then so plausibly carried on, they represented, that, notwithstanding all the fair appearances, the real design was to transfer to it all the rights which had belonged to them, and which they possessed by so many repeated acts of the holy see in their favour. They represented likewise, that, if ever this should be the case, the new canonries being supplied by the court and the prelate, the incumbents would ever be under their influence, and therefore independent of his holiness and his successors. Those representations coming to the ears of Henry, who was no stranger to the partiality which the see of Rome was ever ready to shew

Designs to erect a college of secular canons at Hackington.

Both parties appeal to the pope.



shew in favour of monks, he laboured all he could to make up the difference, but in vain. The monks refused to admit his mediation, and he was obliged to employ agents at the court of Rome to second those of the archbishop. At last, when the matter came to a solemn hearing, the monks carried their point; and the archbishop was obliged to desist from the building, which had been begun, and was now in great forwardness, at Hackington.

The monks carry their point at Rome, and the archbishop forced to desist.

See p. 561, & seq. The church of Scotland obtains a bull of exemption from pope Clement III.

In the year 1188, the archbishop of Canterbury, to save prescription of the rights he claimed, made a visitation in Wales, and celebrated mass in all the cathedrals of that country. As to the particulars of Henry's engaging and disengaging himself in the business of the crusade, we have already seen them in the civil history of his reign; but we must not forget here, that the government of Scotland so seasonably took advantage of Henry's situation at this juncture, as to obtain a bull from pope Clement III, by which the hierarchy of Scotland was in effect rendered independent upon the church of England, only the bishopric of Galloway seems still to have remained subject to the see of York.

A synod at Pipewell to fill up the vacant bishoprics.

When Henry died, the archbishopric of York, with the bishoprics of Winchester, Ely, Salisbury, and London, were vacant. His successor, Richard, therefore held an ecclesiastical synod at Pipewell in Northamptonshire, where those vacancies were all filled up; the archbishopric being conferred upon Geoffrey, natural brother to the king; the see of Ely on William Longchamp, Richard's chancellor and first minister; that of Winchester on Godfrey de Lucy; that of London on Richard archdeacon of Ely, and that of Salisbury on Hugh Walter dean of York. But we are not to imagine, that those preferments were made solely by the king's nomination; for that required the election of the particular convents and chapters to confirm it. Besides, we are told, that the elect of York paid a round sum to the crown for his see, before Richard could be brought to confirm his election; and that the archbishop of Canterbury entered a strong claim to the privilege of giving him consecration. While this was in dependance, the cardinal of Anagnia came as legate from the pope to Richard, who was now become a great favourite with the see of Rome. His business was to adjust all differences between the archbishop and the monks of Canterbury; but Richard, not chusing that he should intermeddle in the matter, sent him a mandate, requiring him to proceed no farther than Dover, without other orders. He then, in conjunction with the queen mother, the archbishops of Roan and Dublin, with other prelates and abbots, laboured so effectually, that a final accommodation seemed to be concluded, and the legate was invited to come to Canterbury. The grounds of the dispute had been the revival, on both sides, of the affair of canonical obedience, and building the church at Hackington. By the late agreement, not only the latter was again

King Richard reconciles the monks and archbishop of Canterbury.

given up, but a prior, who had been forced upon the convent by the archbishop, was set aside; while the monks, on their part, were to make profession of their canonical obedience to the see of Canterbury.

Objections to consecrating the archbishop of York.

Other obstacles were now thrown in, besides that of being consecrated by Baldwin, against the consecration of the elect of York. The bishops of Durham and Salisbury protested against the validity of the election, as being made in their absence; and the dean and treasurer of York did the same, on account of his birth, which was spurious and adulterous; and of his life, because he had been guilty of bloodshed. Those protests were attended by appeals to the pope; but the matter came, in the mean time, to a hearing before the legate, who gave it in favour of the elect, and his opposers were prevailed upon by the king to withdraw their appeals; and Richard soon after, attended by the archbishop of Canterbury, set sail upon his expedition, by which the difference about the archbishop's consecrating the elect of York was removed.

But this did not prevent other differences, of the same nature, from arising. The bishop of Rochester pretended, that he had received a kind of a deputation from the archbishop of Canterbury, empowering him to act for him in his absence. The see of Worcester had lately been bestowed upon Robert, the archdeacon of Nottingham. The bishop of Rochester therefore put in his claim, as representing the archbishop of Canterbury, for the honour of consecrating him.

Other differences amongst the clergy.

This the chancellor, who was the pope's legate likewise, was obliged to yield to; and, notwithstanding the elect had the pope's bull for his being consecrated at Westminster, yet the bishop of Rochester, supported by the monks of Canterbury, made so violent an opposition, that he was consecrated in the cathedral of Christ-church at Canterbury.

Robert bishop of Worcester consecrated by the bishop of Rochester.

The archbishop proved a very zealous crusader, and was greatly instrumental in the glory of the expedition, both by his purse and example; but at last he died at the siege of Acon, or Ptolemais, leaving the bishop of Salisbury his executor, with orders, that his money and effects should be distributed among the soldiers. He left behind him the character of a worthy, inoffensive prelate; and was author of several pieces, which are still extant. Richard, hearing of his death, cast his eyes upon Hubert bishop of Salisbury, who attended him in his expedition, to succeed to the see of Canterbury; but, as he had experience of the untractable spirit of the monks electors, he would not expressly name him in a letter he wrote them upon the archbishop's death. He, however, gave secret instructions to the queen mother, to promote Hubert's interest; and, if there was no prospect of succeeding, to throw such rubs in the way as might defer the election till his return to England. But the thing went according to his wish; for Hubert was unanimously elected by all but the archdeacon of Canterbury, who made an effectual opposition.

Baldwin archbishop of Canterbury dies.

Hubert is elected archbishop of Canterbury.

Upon



Geoffrey arch-  
bishop of  
York accused  
of several ir-  
regularities.

Synod of  
York held by  
Hubert, as le-  
gate.

Its canons.  
Johnson's Ca-  
nons.

Upon Richard's return to England, the clergy of York made a heavy complaint at the court of Rome against their archbishop, whom they accused of several lay irregularities, and of discouraging appeals to the court of Rome. It was no wonder that a charge of this nature produced a commission, directed to the bishop of Lincoln, the archdeacon of Northampton, and the prior of Pontefract, for trying the archbishop, and for suspending him if they found the charge proved, unless he would make his personal appearance at Rome within three months. We do not find, however, that the archbishop much regarded this menace, nor that the commissioners were very forward in executing it immediately. But, soon after, the archbishop of Canterbury received a legatine commission, by virtue of which he went to York, where he held first an assize, and then a synod, in the cathedral there. This synod was in its nature singular; for we find no other prelates present in it, besides the archbishop, as legate; and his officials, who were canon law-judges, are taken notice of for the first time, as holding pleas along with him; while the constitutions were binding, as appears by the seventeenth article. There is little new ordained by this synod. The following seem to be the most important articles.

The fourth article runs thus: "We forbid the priest, when a lay-man comes to him for penance, to enjoin him to cause masses to be celebrated, out of a covetous design. We have also, by decree, forbid the priest to make a bargain for celebrating mass at a certain price; but that he take that only which is offered at the mass."

The twelfth canon ordains, "Since the scripture testifies that he is blessed who withdraws his hand from accepting bribes, it is most carefully to be provided that justice be done gratis, and that no pay be taken for doing it, or laying it aside, or hastening, or delaying it, in ecclesiastical cases; that so the just judge may reward according to his righteousness at the proper time."

The seventeenth canon runs thus: "That the improbity of calumniators, and the malice of false swearers, may be restrained by the fear of judgment from above, we charge that every priest do, for the future, thrice in the year, solemnly, with candles lighted, and bells tinkling, excommunicate those who shall knowingly and wilfully forswear themselves, and those who maliciously cause others to forswear themselves in recognitions, or other testimonies; and let him, every Lord's-day, denounce them excommunicate, that he may reclaim them from their iniquity by the frequent repetition of the curse, whom the accusation of their own conscience does not deter; but if they repent of their perjury, let them be sent to the archbishop or bishop, to receive penance from him. Penance is only to be intimated, not enjoined them, if they are dying; but they must be firmly charged, that, if they sur-

"vive, they go to the archbishop or bishop, or, in their absence, to the general confessors of the diocese, to receive penance."

By this last article, which mentions recognitions, it appears, that trials by juries were now common under the Normans in all cases; and the general excommunications here mentioned were now frequent likewise. As there is something very particular and tremendous in the form of these general excommunications, I shall here exhibit one of them, transcribed from the Saxon tongue, which is levelled against theft, but I suppose was likewise applicable to perjury, or any other crime. The form whereof follows:

"By authority of Almighty God, Father, Son and Holy Ghost, and St. Mary, mother of our Blessed Lord, and St. Michael the arch-angel, and St. Peter the prime apostle, and St. Nicholas, and St. Augustin, and all Christ's saints, let the men be excommunicated and damned that committed this theft, that consented to it, or shared in it, or that have or expect any part of it; and let them be separated from entering into holy church, and from the fraternity of God's elect. Moreover, let them have their portion and punishment with Judas, our Lord's disciple, and with him that said to our Lord, Depart from us, we will not have the knowledge of thy way; except they be converted, and betake themselves to satisfaction. Let them be accursed eating and drinking, walking and sitting, speaking and holding their peace, waking and sleeping, rowing and riding, laughing and weeping, in house and in field, on water and on land, in all places. Cursed be their head and their thoughts, their eyes and their ears, their tongues and their lips, their teeth and their throats, their shoulders and breasts, their feet and their legs, their thighs and their inwards. Let them remain accursed from the bottom of the foot to the crown of the head, unless they bethink themselves, and come to satisfaction. And just as this candle is deprived of its present light, so let them be deprived of their souls in hell. Let all the people say, So be it, be it so."

It does not appear that the archbishop of York was present at this synod; for we are told, that, in a dispute between the dean and chapter, and one Peter Dinant, who demanded the archdeaconry of the West-riding, which had been given him by the archbishop; the dean and chapter objected to the archbishop's power of conferring that archdeaconry, because it had been kept vacant beyond the time assigned by the Lateran council under Alexander III. They therefore pleaded, that, by the same, the right of presenting now devolved upon them. To support this claim, they produced a privilege granted by pope Celestine III, by which they were empowered to fill up all places vacant beyond the prescribed term; and in this privilege was contained a clause, that all appeals against it should be set aside. Notwithstanding this, the officials of the arch-  
bishop

Form of ex-  
communica-  
tion.  
Ibid.

A dispute be-  
tween the  
chapter and  
archbishop of  
York.



bishop entered their appeal against that privilege, and renewed the appeal which the archbishop had made himself, before his recess, for saving the rights and independency of his church. Those appeals had so much weight with the pope's legate, that he admitted them both, and nothing was then done in the affair. The dispute, however, still continued between the archbishop of York and his clergy, who pressed the bishop of Lincoln to suspend Geoffrey; but that prelate would by no means consent to so violent a step; and the pope himself was obliged to interpose, and suspend him from all temporal and spiritual jurisdiction.

He is suspended by the pope.

It was not long before the archbishop of Canterbury found himself involved in a very troublesome dispute with his monks of Christ-church at Canterbury. We have already seen that the monks had proved too hard for his predecessor, in his project of erecting regular canons at Hackington; that not succeeding, a like foundation was projected at Lambeth, where a college was erected, and furnished with prebendaries. The monks of Christ-church, well knowing that this was done with the same view as that at Hackington had been projected, applied strenuously to Hubert to have it dissolved; but in vain. This put them upon an application to the court of Rome, where they were always sure of being well heard. They there not only represented their own grievances, but filled the pope with apprehensions and jealousies of Hubert's character. They set him forth as dipping himself too deeply in secular affairs, and paying too little regard to the holiness of sanctuaries. For this last part of their charge, they urged the treatment of William Longbeard. All these considerations had such an effect, that the pope not only obliged Richard to give up his minister, but ordered the archbishop to dissolve the chapel at Lambeth.

Lambeth college and chapel founded by the archbishop of Canterbury.

See p. 614.

But, under John, Richard's successor, Hubert recovered great part of the lustre which had been somewhat eclipsed during the latter part of the late reign. His behaviour at that important juncture has been already fully described, and his credit at the court of Rome revived in proportion as it did in that of England. For the famous historian Giraldus Cambrensis, who had been archdeacon of St. David's, being now chosen into that see by the chapter, went to Rome for confirmation, where he laid claim to a metropolitanical right over the sees of Landaff, Bangor, St. Asaph, Chester, Hereford, and Worcester. This claim was neither without justice nor precedent; nor indeed do I think it has ever been yet clearly understood that the Welsh church fell under the dominion of the English, otherwise than by the partiality of the pope. Be that as it will, it is certain that, in a like dispute before pope Eugenius, between Theobald archbishop of Canterbury and Bernard bishop of St. David's, the decision of the pope went against the latter; but not without his holiness promising to rehear the cause. Giraldus very properly laid hold of this circumstance, and refused to

A dispute between the archbishop of Canterbury and Giraldus Cambrensis bishop of St. David's, before the pope.

See p. 625.

profess canonical obedience to the see of Canterbury till the matter was redetermined. But Hubert's interest proved too weighty for his, and Giraldus was not only forced to submit, but to give up his election, while another was consecrated in his room.

About the same time the dispute between Hubert and the monks of Christ-church was reconsidered, and compromised upon the following terms, viz. The archbishop was allowed to rebuild the church and chapel at Lambeth; but limited both as to the number of canonries with which it was to be endowed, and in the value of the settlement he was to make upon them.

In the year 1200, a national synod was held at Westminster by the archbishop, who, it seems, was opposed in this by Fitz-peter, then chief-justiciary and regent of England. A synod at Westminster!

The first canon of this synod is levelled against those clergymen who irreverently pronounced mass by clipping or mangling the words, or in a manner either too hasty or too slow. Part of the third canon runs thus: "If a layman baptize a child in case of necessity (and even a father or mother may

Its chief canons.

do it without impeachment of matrimony) let all that follows after the immersion, be performed by the priest." The ninth canon runs thus: "Whereas the authority of the Old and New Testament, and the constitutions of the holy fathers, declare, that tythes are to be paid of all things yearly renewing, we decree that they be accordingly paid in full, without any abatement for the wages of servants or harvesters. Let priests have power of excommunicating all withdrawers of tythes before harvest, and of absolving them according to the ecclesiastical form. What we add to this sanction is, that the tythes of all lands newly cultivated be paid to no other but the parish-churches, within whose bounds the lands so cultivated lie. Let detainers of tythes be anathematized, according to the constitution of the council of Roan, if, upon a third admonition, they do not make a full satisfaction." By this canon we perceive, that a general opinion prevailed in England before this time, that when land, such as the wilds of Kent, and those lands recovered from the sea, had never been cultivated before, then the tythes of such ground might be given, by the possessors, to whom they pleased. This opinion was not without support from the common lawyers, and had prevailed so much, that pope Innocent III. was obliged to publish a bull against it. We are likewise to observe, that the compendious way of involving great numbers by a general excommunication (even previous to the commission of a crime) was now become a scandalous practice; witness the provision in this very article against those who withdrew tythes. In short, nothing perhaps more contributed to establish the unwarrantable claims of a degenerating church, than this unchristian, fantastic power, which is unwarranted by antiquity, and inconsistent with religion, since the parties might thereby be excommunicated,



ed, and yet partake of ecclesiastical ordinances.

By the fourteenth canon of this synod it appears, that, before the late Lateran council, lay-patrons had presumed to appropriate churches and tythes in what proportion they pleased to religious bodies, without leave of the bishop. This was a very frequent practice in favour of the knights-templars and hospitallers, who were now beginning to make a great figure in the affairs of Europe. A canon, therefore, was levelled in this synod against this practice, part of which runs thus: "We decree, according to the tenor of the " Lateran council, that no brothers-templars, " hospitallers, nor any religious whatsoever, " do receive tythes, churches, nor any ecclesiastical benefices from a lay-hand, without the authority of the bishop; and that " they relinquish what they have of late so " taken."

History of  
Eustace abbot  
of Flay, an  
impollor.

In the year 1201, a pious, tho' bold, impostor appeared; his name was Eustace, and he was abbot of Flay. Having observed that very little regard was paid to the observation of the Lord's-day, which, according to him, ought always to begin on Saturday at three o'clock, and to continue till sun-rising on the Monday following, he produced a letter, which he pretended to have been written, against the practice of profaning the Lord's-day, by our Saviour himself, and found on the altar of St. Simeon, at Golgotha, near Jerusalem. His zeal carried him so far, that he went over all England, preaching against this impiety, and with prodigious effects upon the common people, who looked upon him as divinely commissioned; but the only patron he had among the great was Geoffrey archbishop of York, who gave him great encouragement. The common law, however, it seems, was not very strict in that respect in those days, since it laid hold upon those who presumed to interrupt people labouring in their vocation upon Sunday. Notwithstanding this, the practice became so very scandalous, that all markets, fairs, and servile works on that day were laid aside. In other respects, the labours of this abbot were both pious and useful, though attended with many ridiculous circumstances, which have been faithfully handed down by the historians of the times.

See p. 638.

Hubert arch-  
bishop of Can-  
terbury dies.

I have, in the civil history, been pretty full upon the character of Hubert archbishop of Canterbury, who died in 1205, and upon the various altercations which followed, on account of the election of his successor. The particulars of the sufferings of the English clergy, in consequence of the differences between king John and the pope, have been likewise fully recounted. We are only to add, that the clergy, even in the hottest time of their persecution, was not unanimous in their opposition to John. The bishops of Durham, Winchester, and Norwich continued particularly firm to his interest; and one Alexander Camentarius, a preacher then in vast reputation, maintained the royal cause with much warmth, disclaiming all power which the pope pretended to, over secular

princes, and confining his jurisdiction to spirituals only. But the pope hearing of this preacher, laboured so effectually by his agents, that he was reduced to beg his bread. In the year 1211, we are told, that John extorted no less than one hundred thousand pounds from the clergy and religious of England at London. The next year died Cumin archbishop of Dublin, by birth an Englishman, and so great a favourite with pope Lucius III, that he obtained many privileges from him in favour of his see; particularly a bull, decreeing that no archbishop or bishop should hold a synod, or try ecclesiastical causes, within the diocese of Dublin, without leave of that archbishop. The remaining part of the ecclesiastical history of this reign is so interwoven with the civil, that it has been, for the most part, already recounted.

Cumin arch-  
bishop of  
Dublin dies.

It is certain that, after John had resigned his crown to the see of Rome, the pope, who, from that time, looked upon him only as his substitute, was as tender of the royal prerogative, as he had been before assiduous to destroy it. Though the archbishop of Canterbury had never openly declared against John, and had ever appeared on his side, when the great charter was granted at Running-mead, and mediated between him and the barons; yet the pope was so far from being satisfied with his conduct, and that of the other clergy, that he reproached them, by a letter, for their behaviour to their sovereign, and desired them to use all their interest with the barons to bring them to a due subjection to the crown. At the same time the barons were ordered to be excommunicated, for forcing the king to grant the great charter, and the archbishop and his suffragans were required to publish the sentence. The archbishop was then preparing to set out to assist in a Lateran council, which was to be held in Rome, under pope Innocent III; and when the pope's pleasure was intimated to him by the bishop of Winchester and Pandulph, he expressed his disapprobation of the whole proceeding, and required that the publication of the sentence might be respited, until he should have an opportunity, in person, of disabusing the pope, to whom the cause of the barons had been misrepresented. But the bishop and Pandulph, finding the archbishop fully determined not to proceed in the excommunication, immediately suspended him for his refusal, as they had been authorized to do by their powers from the pope; and the archbishop was obliged to set out, under this disadvantage, to the Lateran council, which was opened in November, 1216. The canons of this council, with some variation, were afterwards transcribed by archbishop Langton, and passed in a synod held by him at Oxford, as we shall see afterwards; but some of them are proper to be taken notice of in this place, because not contained in the synodal decrees, tho' binding upon the church of England in general. The first chapter of canons establishes, in very strong terms, the presence of the body and blood of our Saviour in the sacrament, and

Policy of the  
Pope.

Langton arch-  
bishop of Can-  
terbury sus-  
pended by  
Pandulph and  
the bishop of  
Winchester.

Canons of the  
fourth Late-  
ran council.



Collier.

and that the bread is actually and identically transubstantiated into the body, as the wine into the blood, of Christ. The third canon of this council is in itself so haughty and scandalous in all civil government, that I shall transcribe part of it in the words of a priest: "Let secular powers be addressed and solicited, and, if need be, compelled by ecclesiastical censures, to take an oath to use their utmost endeavours to exterminate all heretics out of their territories; and that, for the future, all persons, without exception, at their first promotion or accession to any spiritual or temporal jurisdiction, shall be obliged to swear to this canon. And if any temporal lord shall refuse to purge his country from heretical pravity; after he has been advertised and admonished by the church so to do, he shall be excommunicated by the metropolitan and his suffragans; and, in case he contemns the discipline of the church, and refuses to make satisfaction within a year, his contumacy is to be certified to the pope, who, upon such information, shall declare his vassals or subjects absolved from their allegiance, invite the Catholics to seize the country, and enjoy it after the expulsion of the heretics; with a proviso, however, for saving the right of the sovereign to the fee, upon condition that chief lord gives no discouragement to the enterprize, nor throws in any obstruction to prevent the execution of the canon. The same method of discipline is likewise to be observed towards those who have no superior lords." By the fourteenth canon it appears, that, in many countries of Europe, the clergy still married; for it is there provided, "That in case the clergy, who, by the laws of the country in which they lived, were allowed to marry, should become libertines, that they should, in that case, be treated with double severity." At this council were present the patriarch of Constantinople, with many of the Greek ecclesiastics; and the number of canons passed here, in all, were seventy. But we are informed that those canons were rather accepted than made by this council, and that the pope presented them ready drawn to the fathers, many of whom could never be brought to approve of them.

At this council appeared ambassadors from the king of England, who charged the archbishop of Canterbury with abetting and assisting the barons in their opposition to their sovereign. This charge being proved, or pretended to be proved, the archbishop's sentence of suspension was confirmed. The clergy of York appeared there at the same time, and petitioned for the confirmation of Simon Langton into the see of York, which was refused them. The prebendaries, upon this, proceeded to a new election, and their choice fell upon Walter de Gray bishop of Worcester, who, in consideration of ten thousand pounds paid to the pope, obtained a pall and confirmation.

The first ecclesiastical occurrence, not already taken notice of in our civil history,

under the reign of Henry III, is an application made by that young prince to the court of Rome against the canons of Carlisle, who had, it seems, put themselves under the protection of the king of the Scots. It appears, from the letter sent to his holiness on this occasion, that, when Carlisle was besieged by the Scot, the clergy had put it into his hands, and sworn homage to him as their sovereign. Henry's letter was backed by like applications from the archbishops of Dublin and York, the bishops of London, Winchester, Bath, and Worcester. The pope, upon this, directed a bull to his legate, commanding him to take such order with the rebellious canons as might reduce the see to its duty, by throwing them out of their livings, and appointing others in their room. Soon after this, the order of Dominican or Preaching friars was first settled in England. And in the year 1220, the corpse of Becket was, with great ceremony, removed from a marble coffin, and laid in a very pompous shrine of gold, adorned with jewels.

In the year 1222, the archbishop of Canterbury called together a synod at Oxford, for the reformation of many abuses which had crept into the church. The first thing they did was, to launch a bolt of general excommunication against all invaders of the church's liberty or property; against thieves of all kinds, and their abettors; against all who were perjured, or who opposed the execution of the king's mandate against excommunicated persons. They likewise excommunicated all who, upon the vacancy of a church, maliciously opposed the inquest concerning the right of patronage, in order to defeat the true patron of the collation; at least for that term. To understand this circumstance, it is necessary to inform the reader, that, at this time, upon the death of an incumbent, an inquest was held of course, consisting of half clergy, and half laity, to determine upon the right of patronage, and the qualifications of the clerks presented; but the bishop, or his vicar, or an archdeacon, was always foreman of this jury. The second article of this synod recommends hospitality and charity to prelates. They are likewise enjoined sometimes to hear confessions, and give penance, and to be careful to reside in their cathedrals in some of the double feasts, and in some part of Lent, as may seem most expedient for the good of their souls. But this very canon is a proof how much ecclesiastical discipline was now degenerated; for we are told, by Lyndwood, a competent judge in this case, that, by the common law of the church, a bishop was obliged to be personally present in his church every Sunday. The eighth and ninth canons are remarkable, and are as follow: "We ordain, that beneficed clergymen, or clerks in holy orders, be not stewards of farms, bailiffs, or seneschals, and so bound to give an account to laymen; and especially that they meddle not in causes of blood; nor let causes of blood be tried in churches, or church-yards. And we forbid, by the authority of the council, all clerks that

Henry applies to the pope about the canons of Carlisle.

Rymer, vol. i. p. 219.

Dominicans first settled.

Becket's corpse laid in a golden shrine.

A synod at Oxford.

Its canons.

are



“ are beneficed, or in holy orders, to write  
 “ or dictate letters for inflicting of death, or  
 “ to be present at trials concerning life and  
 “ death; for they are unworthy of the  
 “ church’s protection, who bring so much  
 “ scandal to the church.” But, notwithstanding this last canon, it is certain that  
 “ such prelates as had a civil power vested  
 “ in them, might grant commissions to their  
 “ officers, or substitutes, to try capital cases. The twelfth canon is remarkable, and runs thus: “ We strictly forbid any man to re-  
 “ sign his church, and then accept the vi-  
 “ carage of the same church from his own  
 “ substitute; because, in that case, some un-  
 “ lawful bargain may well be suspected:  
 “ let the one of them, who presumes to do  
 “ this, be deprived of his parsonage, the  
 “ other of his vicarage. And we judge it  
 “ absurd, that he, who is parson of a church,  
 “ should confer any part of that parsonage to  
 “ another, under the title of a parsonage,  
 “ unless he first absolutely resign the whole  
 “ benefice. Nor let it be allowed to  
 “ any one to assign any portion of his  
 “ church to another, under the the title of  
 “ a benefice, to which the cure of souls is  
 “ annexed.” It is necessary, for the un-  
 “ derstanding of this canon, to observe, that,  
 in the Lateran council, held under pope  
 Innocent III, in ann. 1215, a canon passed,  
 which forbade holding two rectories of  
 churches; but no canon had, as yet, passed  
 against holding two vicarages, or a vicarage  
 and a rectory. It appears, therefore, that  
 there had been a common practice to resign  
 churches, and to accept of vicarages. The  
 fifteenth and sixteenth articles are as follow:  
 “ We ordain, that churches not worth above  
 “ five merks a year be given to none but  
 “ such as will personally reside and minister  
 “ in the said churches: let them who do  
 “ not, be deprived by the diocesan, after  
 “ due admonition; for abundance often  
 “ breeds neglect, indigence, beggary, to the  
 “ scandal of our order. We, therefore,  
 “ chusing the medium, ordain, that an estate  
 “ which may be let to farm for five merks  
 “ at least, be assigned to the perpetual vicar,  
 “ excepting in those parts of Wales whose  
 “ vicars are content with less, by reason of  
 “ the poverty of the churches. Let the  
 “ diocesan, after due consideration had of  
 “ the value of the church, determine whe-  
 “ ther the parson, or the vicar, or both to-  
 “ gether, are to bear the charges of the  
 “ church; provided still that the archdeacon  
 “ be content with one procuration, whether  
 “ from one or both.” The twenty-sixth  
 canon contains some relaxation of that abuse,  
 which had now grown to so great a height,  
 of laying persons, at the pleasure of the cler-  
 gy, under general excommunications, in terms  
 as follow: “ We decree, that archdeacons  
 “ and their officials publish the sentence of  
 “ excommunication, suspension, or interdict  
 “ against none, without canonical warning,  
 “ unless where the excess be manifest. Let  
 “ him that excommunicates any one other-  
 “ wise, be subject to the punishment declared  
 “ by the Lateran council for suspending or

“ interdicting; let him be punished at the  
 “ direction of his superior, and let the su-  
 “ perior prelates observe this.”

By the thirty-first canon, clergymen are  
 enjoined not to give offence, by living in a  
 state of avowed fornication. It runs in these  
 terms: “ Let not clergymen that are be-  
 “ neficed, or in holy orders, publicly keep  
 “ concubines in their manses, or have pub-  
 “ lic access to them with scandal any where  
 “ else. If the concubines, after admonition  
 “ publicly given, do not get them gone,  
 “ let them be expelled from the churches,  
 “ and not be admitted to the sacraments.  
 “ If they still persist, let them be excom-  
 “ municate, and the secular arm be invoked  
 “ against them. As to clergymen them-  
 “ selves, let them, after admonition, be re-  
 “ strained by a subtraction of their bene-  
 “ fice.” The other canons of this synod  
 are, for the most part, repetitions of what  
 had been ordained in other ecclesiastical as-  
 semblies. But we are to observe, that two  
 persons were punished by it; the one, who  
 was a deacon, for apostacy, having circum-  
 cised himself to gain the favour of a fair  
 Jew. This person was delivered over to  
 the secular arm, and burnt at the stake. The  
 other delinquent was frantic enough to pre-  
 tend himself to be the son of God, and per-  
 sisting in his blasphemy, his sentence was,  
 to be imprisoned during life, and subsist  
 only on bread and water.

We meet with several constitutions, which  
 are diocesan, rather than provincial, and at-  
 tributed to archbishop Langton; but there  
 is no direct proof of his being their author,  
 though it is more than probable that they  
 were made in his time. Eleven of those  
 constitutions are added to the Oxford edi-  
 tion of the late council, but are of little im-  
 portance; only, by the first of them, we learn,  
 that exposing children was a very common  
 practice in this age; and that, when a child  
 was exposed, it was often found with salt  
 laid upon it, probably to signify that it had  
 been baptized. The manner of proceeding  
 in such cases being prescribed by this con-  
 stitution, I shall give it to the reader. “ Bap-  
 “ tism shall be celebrated with great reve-  
 “ rence and caution, and in the prescribed  
 “ form of words wherein the whole virtue  
 “ of baptism consists, and likewise the sal-  
 “ vation of the children, that is, I baptize  
 “ thee in the name of the Father, and of  
 “ the Son, and of the Holy Ghost, Amen.  
 “ And let a name be given to the child, and  
 “ let it be done in the language which is  
 “ best understood by them. Let priests of-  
 “ ten instruct laymen, that they ought to  
 “ baptize children in case of necessity; and  
 “ it may be done even by a woman, or  
 “ by the father or mother of the child. Let  
 “ the priest diligently enquire of the layman,  
 “ who has baptized a child, what he said;  
 “ and if he find that it was done discreetly,  
 “ and in due manner, and that he pro-  
 “ nounced the form of words in his own  
 “ tongue, let him approve what has been  
 “ done; but if not, let him baptize the  
 “ child. Let three at most be allowed to  
 “ lift

Archbishop  
Langton's di-  
ocesan consti-  
tutions.

Method of  
baptizing ex-  
posed infants.

Performed by  
laymen.



“ lift the child out of the font. If the children are baptized by laymen, let the priest perform what follows the unction, not what goes before. If there be any doubt of a person's being baptized, or confirmed, let the sacrament be administered without hesitation: that cannot be said to be repeated, which is not known to have been done at all. Let such as are found with fault be baptized, if there be any doubt of their baptism; and, in honour to baptism, let the water with which the baptism was performed be thrown into the fire, or be carried to the church, to be put into the font. Let no deacon, or inferior clerk, baptize or enjoin penance, but only priests, except in absolute necessity, when the child, or sick man, is in the utmost danger of death, and the priest is absent; or if he be present, yet cannot, or foolishly will not, do it. We charge, that the vessels, in which any have been so baptized, be carried to church, and there applied to some necessary use, and not to any common purpose, out of reverence to the sacrament. We charge, that the fonts, in which children are baptized, be of stone, or, however, whole and decent, that they may occasion contempt or aversion in none, but be had in veneration by all.”

Richard de Marisco bishop of Durham dies.

Pandulph the legate dies,

and Simon Langton made archdeacon of Canterbury.

Stephen archbishop of Canterbury dies.

His character.

About this time died Richard de Marisco bishop of Durham. This prelate had lived in so bad understanding with the monks of his chapter, that the pope, upon their complaint, sent a commission to the bishops of Salisbury and Ely for trying the cause between them. The bishop, upon this, made an appeal, and went to Rome, where he found means to make the matter up with his holiness; for he died in quiet possession of his see. Upon this vacancy, Henry recommended one of his chaplains to fill it; but he was opposed by the monks, who chose the archdeacon of Worcester, and sent a deputation to Rome, to get their election confirmed, in opposition to the king. The latter, at the same time, sent the bishop of Chester and a prior to manage his concerns at that court; and two years passed in those altercations before the see was filled up. About this time died the famous Pandulph, who had been legate in England under pope Innocent III; and Simon Langton, brother to the archbishop, was made archdeacon of Canterbury, with additional privileges, and a jurisdiction in rural deaneries within that diocese, excepting in matrimonial causes, parishes lying within the archiepiscopal manors, and those of the monks of Christ-church.

Henry being declared of age, and the bishop of Winchester discharged from his protectorship, that prelate, together with the bishop of Exeter, engaged in a crusade, and continued in the Holy Land with the Christian army for five years. During this time, the order of St. Francis was introduced into England; and in the year 1228, or 1229, Stephen archbishop of Canterbury died. Enough has been said of this prelate in the civil history. We are here to observe, that he was, for his age, an excellent scholar; he divided the

bible into its present distinction of chapters, and wrote commentaries upon the epistles of St. Paul and all the Old Testament; and was likewise author of the life of Richard I. He was succeeded in the archbishopric by Richard chancellor of Lincoln, who was recommended by Henry to the pope, and by him to the suffragans of Canterbury. At his consecration, which was performed by the bishop of Rochester at Canterbury, Henry appeared in person. This archbishop's character, as a prelate, was very amiable; and, soon after his consecration, he held a synod at Westminster, where several constitutions passed, or rather were confirmed, most of them being the same with those formerly enacted. A particular quarrel happened between him and Hubert de Burg about the castle and town of Tunbridge, and the wardship of the earl of Clare. This, among other motives, was the reason of his undertaking a journey to Rome; in his return from whence, he died at the monastery of St. Gemma, after filling the see two years. Ralph Nevil bishop of Chichester, a person of a most unexceptionable character, he having filled the office of chancellor of England with great approbation, was next chosen archbishop of Canterbury, and being confirmed by the king, took possession of the temporalities of the archbishopric. Upon this, the monks applied to him for money to defray the expences of their journey to Rome, to get his election confirmed by the pope; but the archbishop, looking on this as simoniacal, denied their request: the monks, however, proceeded on their journey. But the pope had entered into a correspondence with Simon Langton, who privately acquainted him that the new archbishop was by no means of a character suited to the purposes of the holy see, and that he would undoubtedly do all he could to shake off the dependency of England upon the pope. The monks, therefore, found the pope fully prepossessed against the elect; but, to colour his refusal of their demand, he pretended, that he understood, from good hands, that the elect was a person ignorant, warm, and hasty in his temper; he therefore ordered them to proceed to a new election. This disappointment was very disagreeable to the court of England; and the riot which happened at this time against the Italian clergy settled here, heightened the misunderstanding between the government and the pope. Several of the Romanists, at the same time, had been very severely treated in their persons: one Cincius, particularly, a prebend of St. Paul's, had been carried off the road near St. Albans, by five men in vizards, and, after having been kept for five weeks in prison, was obliged to pay a large sum for his release. The English bishops and chapters likewise received threatening letters, from a party who had formed themselves into an association, commanding them to join with the associated in suppressing the encroachments of the see of Rome. In like manner, the monks, and those who had hired church farms of the Italian clergy, were ordered to pay no rent

Is succeeded by Richard chancellor of Lincoln,

and is succeeded by Ralph Nevil bishop of Chichester.

See p. 722.



to their insolent masters; and the letters, containing these commands, were sealed with the figure of two swords, with this motto, *Ecce duo gladii hic*. "Behold here are two swords."

But the pope, in the manner I have set forth in the civil history, having found means to crush those commotions, and by ruining the minister to introduce a new administration, found his authority in England more firm than ever. The monks of Canterbury, having by his orders proceeded to the election of an archbishop, pitched upon John, their sub-prior; and the new elect went to Rome for confirmation. But neither was he agreeable to the pope, though unexceptionable both as to his life and learning. His holiness, therefore, recommended it to him, that he would, on account of his great age, renounce his election; which the other cheerfully did. The monks therefore, being obliged to proceed to a third choice, elected one Bland, a divine of Oxford, and one who stood well with the court. But the pope knew too well the importance of an archbishop of Canterbury, to trust any one, whom he did not know, with that office. The confirmation of this elect was therefore refused likewise, under pretence of his having bribed the monks; and his holiness recommended to their choice Edmund Rich, prebendary and treasurer of Salisbury; who being chosen, received the pall accordingly.

Edmund Rich  
chosen arch-  
bishop of Can-  
terbury.

In the parliament held by Henry, in the year 1234, several of the English prelates were impeached, particularly the bishop of Chester, with having abetted the insurrection under the earl-marechal: but the clergy behaved with so much firmness, with the archbishop of Canterbury at their head, and remonstrated so boldly to the king upon his administration, that the minister himself was displaced, and his friends stripped of all their power and employments. After that, the pope had recourse to the preaching up another crusade for filling his coffers out of England. For this purpose he wrote a most earnest letter on the subject of the holy war, directed to all Christendom in general. The dispersing this letter, which was in the nature of a manifesto, was intrusted to the Dominicans and Franciscans, who were now come into great request in England. These were vested with a power of granting indulgences for all crimes and faults; and not only of lifting people for the service of the Holy Land, but of discharging them from that service upon the payment of a certain sum. All those advantages gave them an opportunity of squeezing an immense sum of money from the people, who too late saw themselves beggar'd, and came to reflect, that no account of the tenth, which had been lately granted to the court of Rome, had ever been made to the public, the money having been put into the pope's pocket after he had made up matters with the emperor. It was about this time that a general visitation of all religious houses was ordered by the pope, and committed to the suffragan bishops of the province of Canterbury. Those houses,

however, which were exempted from episcopal jurisdiction, had particular commissions appointed by the pope for visiting them; but those commissioners in general acted with so much oppression, that many appeals against them were made to Rome, all which increased the perquisites of that see. But so ravenous were the agents of Rome now for money, that the pope granted a bull even for protecting the Jews against Christian princes. All those oppressions, with those of the Roman usurers, being shamefully countenanced by the court of Rome, were opposed by Roger bishop of London. These usurers were called *Caurfins*; and their exactions upon the English clergy, who borrowed money from them, would be incredible, had not a copy of their bonds, which they took for their security, been preserved by Matthew Paris. For it appears, that if the money was not paid precisely at the term of payment, the borrower was to pay, every two months, one merk for every ten merks he had borrowed (an usury which amounts to sixty per cent. a year); and this, besides other exactions too tedious to be mentioned here. Those blood-suckers were too useful to the pope not to be supported by his power; they therefore despised the admonitions of the bishop of London, and even threatened him with the pope's censures, if he should proceed in opposing them. But the bishop, being a man of spirit, actually excommunicated them, and ordered them to remove to a certain distance from London. The usurers, upon this, brought their appeal before the pope, and the bishop was cited to appear at Rome; but, finding himself unsupported by the government here, he thought proper to make matters up; and the usurers went on in their infamous practices.

The Jews pro-  
tected by the  
pope's bull.

The exorbi-  
tant exactions  
of the Roman  
usurers.

These usurers were not the only vermin which at this time infested England. The orders of the Dominicans and Franciscans had by this time deserted their vows of poverty; and had every where encroached upon the duties of parochial priests. Their pretexts for this were, that those priests were become so scandalous in their morals, that the people would not confess to them; and that they had a faculty from the pope for discharging the office of a confessor. By this means they wormed themselves into the secrets of the chief families in England, and became so many spies for the pope and the court. They even acted as agents and attorneys to many of the nobility, and at last had interest enough at Rome to obtain an assignment of some monastery lands for the support of their societies. By those oppressions, there was an inexpressible face of misery all over England, especially among the clergy.

The behavi-  
our of the  
Dominicans  
and Franciscans in Eng-  
land.

In this melancholy situation were things when the legate Otho arrived in England, about the middle of the year 1237. The archbishop of Canterbury made a vigorous opposition to the measures for which he was called in; but Henry not only countenanced him, but met him as soon as he landed with the highest marks of regard, and travelled with him to London. Otho at first affected great

See p. 279.

See p. 734.



Otho the legate holds a council at St. Paul's.

great moderation, and in some measure removed the prejudices which the English had entertained against all the clergy of Rome, by refusing some considerable presents which were offered him; and soon after his return from York, where, with Henry, he had an interview with the king of the Scots, a national council was summoned to be held at St. Paul's in London. To this council all bishops, abbots, and priors, were by the legate's letters commanded to repair; and he required convents and chapters to empower their bishops, by instrument or indenture, to act for them in the council. The legate's professed design in summoning this council, was to check the pluralists and the illegitimate who held livings in the church. This was extremely unpopular, not only with the clergy, but the laity, of England; and Otho was so sensible of this, that he prevailed with Henry to give him a private guard of two hundred men, to guard him from insults; and three earls, with some of the king's domestics, were ordered to attend him to and from the council. Their session was opened on the octaves of St. Martin. The clergy of England, unwilling to pay implicit obedience to what the legate should ordain, had demanded a sight of the constitutions which he was to propose, before they should be published. On this account the legate was not present on the first day of the council.

Next day, early in the morning, he appeared with great pontifical pomp, and seated himself on a lofty throne, with the archbishop of Canterbury on his right, and the archbishop of York on his left hand, being unwilling to alter any in the point of their precedency. This day a prohibition was sent from the king, prohibiting the council from proceeding to any steps which might be prejudicial to his sovereign authority. The canonization of St. Francis and St. Dominic was likewise notified by the pope's orders, and the archdeacon of Canterbury read the instrument of Otho's legation. It appears likewise, that a decretal from the pope was read, by which a vulgar error was obviated; for it had been a common opinion, that the force of all legantine decrees, or canons, expired with the commission of the legate under whom they were passed. But one Mr. Atho, a domestic belonging to the legate, by reading the decretal from the pope, gave the assembly to understand, that the decrees of the council were not temporary, but permanent. These preliminaries being passed, the legate made a formal sermon upon episcopal duties; and then the constitutions, which had been ready drawn up, were read. But a considerable interruption happened in the mean time; for when the canon against pluralities was read, it was found to be so strong, that Walter de Cantelupe bishop of Worcester stood up, and laying off his mitre, spoke to the following effect:

The bishop of Worcester's speech about pluralities.

"Holy father, as many noblemen, whose blood is as generous as my own, now hold several benefices without any dispensation; as some of them are advanced in years, and till now have lived with honour, by

"promoting to their utmost a beneficent hospitality, and throwing their gates open to the necessities of the poor and the wretched; it would, methinks, be too hard to deprive such persons of their livings, and to reduce them to ignominious poverty. But give me leave to say, that there are some young active men of great spirit, who will expose themselves to the most imminent dangers, rather than give up all their livings but one. This is, to me, subject of the deepest meditation; for, before I was called to the dignity I now enjoy, I laid it down as a firm resolution, that rather than lose one single benefice on a pretence of such a persecution as this, I would give up the whole. There is reason, therefore, to fear that many entertain the like sentiments. If so, then we humbly supplicate you, on account of your own safety as well as ours, to consult the pope upon this decree. Besides, as your statute, upon the rule of St. Benedict, extends indifferently to all; and as it is a hardship upon many, especially feeble decayed monks, on account of the poverty of some places, to observe that statute, there is a necessity for moderating it with temper and discretion." As the prelate, by the manner of delivering this speech, seemed to deliver the sentiments of most of the assembly, the legate replied with great moderation, "That, provided all the prelates there present would join with him in their representation, he would lay the matter before the pope."

With regard to the constitutions themselves, which are called the legantine constitutions of Otho, they are declared to be submitted to the suffrage and consent of the council. Many of them are only a repetition of what we have already seen; but others of them are new, and well worthy of being transcribed here.

The first runs thus: "The dedication of royal temples is known to have taken its beginning from the Old Testament, and was observed by the holy fathers in the New Testament, under which it ought to be done with the greater care and dignity, because, under the former, sacrifices of dead animals only were offered; but, under the latter, the heavenly, lively, and true sacrifice (that is, Christ the only begotten son of God) is offered on the altars for us by the hands of the priest. Therefore the holy fathers providently have ordained, that so sublime an office should not be celebrated in any place but what is dedicated, except in case of necessity. Now, because we have ourselves seen and heard by many, that so wholesome a mystery is despised, at least neglected, by some (for we have found many churches, and some cathedrals, not consecrated with oil, though built of old) we therefore, being desirous to obviate so great a neglect, do ordain and give in charge, That all cathedral, conventual, and parochial churches, which are ready built, and their walls perfected, be consecrated by the diocesan bishops



“ shops to whom they belong, or others  
 “ authorized by them, within two years;  
 “ and let it be so done, within a like time,  
 “ in all churches hereafter to be built. And,  
 “ lest so wholesome a statute grow into con-  
 “ tempt, if such like places be not dedicated  
 “ within two years from the time of their  
 “ being finished, we declare them to remain  
 “ interdicted from the solemnization of  
 “ masses until they be consecrated, unless  
 “ they be excused for some reasonable cause.  
 “ Farther, by the present statute, we strictly  
 “ forbid abbots and rectors of churches to  
 “ pull down ancient consecrated churches,  
 “ without the consent and licence of the  
 “ bishop of the diocese, under pretence of  
 “ raising a more ample and fair fabric. Let  
 “ the diocesan consider whether it be more  
 “ expedient to grant or deny licence; if he  
 “ grant it, let him take care that the work  
 “ be finished as soon as may be; which we  
 “ ordain also in relation to such as are al-  
 “ ready begun. We think not fit to ordain  
 “ any thing concerning little chapels, leav-  
 “ ing the time and manner of their conse-  
 “ cration to the canonical definitions.”

The second canon provides for the decent administration of the sacraments, which are there summed up to be seven in number. It enjoins, at the same time, that all who are admitted into orders should be well instructed in the nature of those sacraments. The third canon mentions, that the church has appointed the two eves of Easter and Whitsunday for the solemn celebration of baptism; and guards against the superstition of the people of that time, which suggested groundless apprehensions against the bringing their children to the font on those days. The fourth canon is against the practice of clergy, who would not perform their functions without having money first deposited for the same. The fifth and sixth canons are calculated for the more careful admission of people into holy orders. The seventh is against farming of church livings, as is the eighth and ninth. The tenth is as follows: “ We  
 “ ordain, that no man for the future be ad-  
 “ mitted into a vicarage, but such an one as  
 “ is already ordained priest, or at least such  
 “ a deacon as may be duly ordained (priest)  
 “ the next Ember-week, who renouncing  
 “ other benefices, with cure of souls, if he  
 “ have any, may swear to keep corporeal  
 “ residence thereupon, and may always keep  
 “ it: otherwise, we decree the vicarage to  
 “ be void, and to be given to another. And  
 “ thus let that fraud be evaded by which a  
 “ small portion was assigned to one under  
 “ the name of a parsonage, and the church

“ given under the pretended name of a vi-  
 “ carage to another man, who was afraid  
 “ of losing other benefices if he had ac-  
 “ cepted it as parson. As to vicars already  
 “ instituted, who are not priests (since vi-  
 “ cars are bound personally to serve their  
 “ churches) we charge, that within the  
 “ year they cause themselves to be ordained  
 “ priests; and if they themselves are the oc-  
 “ casion of their not being ordained priests,  
 “ we decree, that from thenceforth they  
 “ be deprived of their vicarages; and as to  
 “ their residence, we make the same ordi-  
 “ nance as we did above in relation to them  
 “ that are hereafter to be instituted.” The  
 eleventh article is levelled against a practice,  
 which seems to have been common in that  
 age; for the people spreading reports of the  
 death or the resignation of an incumbent,  
 and, by those, or some other means, got  
 possession of his benefice, and then maintain-  
 ed themselves therein by force of arms, when  
 the report was found to be false. The  
 twelfth is against dividing one church into  
 several vicarages, and other simoniacal collu-  
 sions. The thirteenth provides for the re-  
 sidence of incumbents upon their charges.  
 The fourteenth regulates the habits of cler-  
 gymen, who, at this time, were run into  
 excesses in that respect, which made them  
 look like soldiers. The fifteenth is against  
 clergymen contracting clandestine marriages,  
 and keeping them still private, in order to  
 keep their livings. But the sixteenth canon,  
 as commented upon by John Athone, an  
 authentic author with the church of Rome,  
 carries with it a strong implication of the  
 clergy's lewdness in those days; for clergy-  
 men are there forbidden to keep concubines  
 publicly in their houses, or elsewhere; and  
 commands that those concubines be discarded  
 within a month. But this John Athone puts  
 the case, (1) Supposing a clergyman keeps a  
 woman privately, that is, that he does not  
 live with her as his wife, whether he incurs  
 this censure? His answer to this is in the ne-  
 gative; that he does not. Nay, he says, If  
 a clergyman be discovered lying with a wo-  
 man, yet he is guilty of no transgression, pro-  
 vided it appears that he did not intend that  
 this discovery should be made public. He  
 goes even so far as to say, (2) that a clerk may  
 keep a whore in public, provided he does  
 not keep her for a whole month at a time.  
 Thus, by the interruption of a day or two Remark:  
 in a month, notwithstanding this canon, a  
 man might have lived in a continual course  
 of criminal conversation all his life with one  
 woman. The seventeenth constitution is di-  
 rected against another crying abuse, by which

(1) Secus ergo, si secrete inter domum propriam vel alienam detineat hanc concubinam: nam tunc pœnam hujus constitu-  
 tionis non incurret, cum domus rem secretam, non autem publicam denotat; ut legitur et notatur ff. de injur. si qui domum.  
 Hoc tenet W. de vita et honest. cle. quoniam in. glo. ergo si secrete in Con. Cle. Nec enim ad hoc quid dicatur publicum,  
 sufficit quod sciatur ab aliquibus tantum, ut notat W. Extra. de concessi. præben. c. 1. §. si. in Con. Cle. Dic ergo publice,  
 i. e. communiter, et coram multis; ut notat Jo. An. extra. de spon. præterea. 2. non ergo sufficit, quod semel vel bis talis  
 publice videatur per expositionem prædictam: hoc maxime, cum hic requiri videatur notorium ætus permanentis; de quo  
 satis notatur, 2. q. 1. manifesta. Lyndwood's Provinciale, p. 43.

(2) Nunquid ergo vicissim amovendo, ita quod nunquam simul sic eas detinent publice per mensem, interpolatis tamen  
 vicibus simul conjunctis, seu simul collectis, exceditur tamen forte annus, pœnam hujus constitutionis evitent? Videtur quod sic:  
 quia dictio detinent, quæ est supra, continuationem temporis requirit, sicut et recedere. De pœni. distinct. 1. Divortium.  
 ff. de Divor. l. 3. in fi. et notat Wil. Extra. de sta. mo. c. 1. §. quia. ver. tenentes in Cle. Hoc enim denotat dictio  
 amoveant, quasi hoc sufficiat infra mensem, ut hic patet. Nam perseverantia continuata requiritur ad hoc, ut hanc pœnam  
 incurrant, ut notat Inno. cum simili. Extra. ne Cle. vel mo. c. fi. ubi hoc tenet Jo. An. Ibid. p. 44.



The nature of an oath of calumny.

Apparitors, when first instituted.

The clergy petition the king to redress grievances.

benefices descended from father to son, without any mediate successor. The eighteenth is against a practice too much then in use, of the great men protecting thieves and robbers upon their estates. The nineteenth is against the monks eating flesh, and reduces them to the rule of St. Benedict. The twentieth lays down rules for the archdeaconal office, and is as follows: "As to archdeacons, we ordain, that they do prudently and faithfully visit the churches, enquiring into the sacred furnitures and vestments, and how the diurnal and nocturnal services are performed in the church, and in general both into temporals and spirituals; and that they diligently use correction where there is occasion. But let them not aggrieve the churches with superfluous expences; and let them demand moderate procurations only when they visit, and not bring strangers with them; and be modest as to their retinue and horses. Let them take nothing from any man for not visiting, not correcting, or punishing; nor pass sentence on any unjustly, in order to extort money from him: for, since these and such-like doings favour of simony, we decree, that those who practise them be compelled to expend the double of what they have extorted in pious uses, at the discretion of the bishop, besides other canonical punishment. And let them be very careful to be often present in the chapters of every deanery, and there diligently instruct priests, among other things, to live well, and to know and soundly understand the words of the canon (of the mass) and of baptism, as being of the essence of the sacrament." The twenty-first constitution directs, That prelates, archdeacons, or other clergy, shall suffer parties who have causes before their courts to withdraw them, if they please, by composition, without being obliged to pay any thing for the same. The twenty-second constitution lays down the office of a bishop, who is required to reside upon his cathedral church, and there decently to celebrate mass on the principal festivals, and the Lord's days in Lent and Advent: they are likewise enjoined to make progresses round their dioceses. The twenty-third constitution provides, That all ecclesiastical judges, particularly in matrimonial cases, should be men of known and approved abilities; and that the bishop's advice should be taken before any definitive sentence be pronounced. The twenty-fourth is a most wholesome and excellent constitution, and runs as follows: "We ordain, that the oath of calumny in all ecclesiastical causes whatsoever, and of speaking the truth in spiritual causes, be for the future taken in the kingdom of England, according to the canonical and legal sanctions (a prevailing custom to the contrary notwithstanding), that so the truth more easily may be discovered, and causes sooner determined. We add to this statute, that probatory terms be granted, at the discretion of the judges, according to canonical and legal sanctions." The reader is here to remark,

NUMB. LXXII.

that the oath of calumny was introduced by the civil law, and was taken both by plaintiff and defendant, who thereby swore, That they believed their cause to be just; that they would use no false proofs, create no unnecessary delays, nor employ any seducing bribes. The twenty-fifth takes away the practice of appointing a proctor only for one day; on which day, if he either could not attend, or some other obstacle happened, that the cause could not be heard, his powers then determined to the great damage of his constituent: but, by this canon, he is presumed to be constituted for as many days as is necessary, or without any limitation of time. The twenty-sixth constitution orders, That all citations be sent by a messenger from the judge himself, and carefully served at a moderate expence. This constitution probably gave rise to the office of apparitors in England; for the custom before this time was, that the party generally was summoned by three messengers from his antagonist, two of whom stuck up the citation over the altar or some other place, while the third took it away before the party summoned had seen it; and thus the latter was liable to suspension or excommunication. By the twenty-seventh it is provided, That great care be taken in sealing instruments within England, since vast abuses had been committed in that respect by the clergy sealing bargains in their absence, and without their knowledge. The twenty-eighth enjoins, That proper seals be used by all ecclesiastical courts, and that they may not fall into the hands of those who might make a bad use of them. The twenty-ninth provides against the people's suffering by the cavils of advocates, the indolence of judges, or the obstinacy of parties. The first is to swear, That he will perform the part of a faithful pleader in all causes he will undertake. When judges are ignorant, they are, at the expence of both parties, to call in and consult with men of more knowledge and experience than themselves. As to the parties, the judges are to provide, That when they have decreed to send any one to take possession, by reason of the contumacy of the adverse party, they take proper caution from him that is to be sent, for restoring possession if the adversary return within the year; together with the profits, if any have been received, after lawful expences deducted. "And we decree, that he be wholly deprived of his right (on supposition that he had any right in it) who keeps possession by violence, so that another be sent, on account of his contumacy, and made true possessor after the year be ended."

This is the sum of the constitutions that passed at this remarkable council, which consisted of other clergymen besides prelates; though, in the opinion of the canonists, the decrees might have been valid, though none but prelates had appeared at it, the inferior clergy being invited, not summoned. Upon the breaking up of the council, the clergy in general made an address to the legate, with regard to several hardships which they con-



ceived the church of England then laboured under, and besought him to use his good offices with the king for removing them. Their chief complaint was, the infractions which had been made upon the great charter, and that of the forests. They next requested, that matters, which in their own nature were purely ecclesiastical, should not be referred to secular judges. Among other instances of this kind, they mention disputes about the privileges of baptism and burial, belonging to a chapel; and about those products of the earth which were, or were not, tytheable. They likewise petitioned, that when any doubt arose, whether a cause was ecclesiastical or not, the judges of the court, which were to determine this cause, might not be all laymen, because they might be apt, either through ignorance or ambition, to encroach too far upon ecclesiastical authority. They also requested, that bishops, in the exercise of such functions as were purely spiritual, such as confirming or blessing abbots, and admitting clerks to benefices, might not be obliged to account for that part of their administration to the king's justices. They requested, that clergymen may not be obliged to appear in secular courts, to give an account of their reasons for excommunicating particular persons; and that no prohibition from the king should prevent ecclesiastical courts from pronouncing to what particular church such or such a chapel belongs, or to what particular church such or such tythes are payable.

We have, in Sir Henry Spelman's collections, a body of constitutions said to be drawn up by Edmund, then archbishop of Canterbury; but we neither know when they were published, nor who were present at their composing. Many of them are the same with the constitutions of Richard Poor bishop of Salisbury, and afterwards of Durham; with some small variation; but, as there is little new in those constitutions, I shall omit them. It was about this time that Richard Poor, the prelate last mentioned, died. He was the founder of the noble cathedral of New Sarum, and persuaded the townsmen of Old Sarum to change the seat of their city. Another great prelate likewise died at this time; I mean Peter bishop of Winchester, who had filled that see for two-and-thirty years. The proceedings that followed his death have already been taken notice of; and the affairs of the church were farther embarrassed by a difference between the archbishop of Canterbury and the court, on account of Simon Montfort's marrying the countess dowager Marescall, sister to Henry. The oppressions of the court of Rome, in the mean time, grew daily more crying, till the barons at last found their rights of patronage in danger by the pope's scandalous partiality to foreigners, on whom, without any regard to patrons, he bestowed some of the best livings in England. Upon this, the lay nobility joined together in a kind of an address to the pope, in which they are pretty free in their representation of the injury done them. They prove this from the many late

instances of their privileges being invaded, and acquaint his holiness, that, ever since the introduction of Christianity, they and their ancestors had enjoyed their rights of patronages. This letter was sent by Robert Twinge, a knight, who had himself suffered in this respect, by having his presentation to a living in Yorkshire refused by the archbishop of York, without the person presented having any thing objected to his qualifications. They conclude their letter by observing, that the right of patronages was a part of their fees, of which the king is the author, and for which they do him military service; and that, if they were refused justice at Rome, they should be obliged to apply for it to their sovereign.

This letter was signed by the earl of Cornwall, with other great noblemen; and, as Paris very rightly observes, the pope well knowing that they had it in their power to do themselves justice, his answer was both compliant and satisfactory. Twinge, the messenger, had satisfaction given him as to his right of presentation; and the pope declared his intention never to make any encroachments of this kind, nor to suffer his legates or other clergy to institute any person to a living in prejudice of the lay right of presentation. He signified all this, by a letter which he wrote at the same time, to the legate himself. But the latter seemed to pay little regard to the English clergy, notwithstanding all this smoothness towards the nobility; for, in a meeting with the prelates at London, he was so far from regarding their complaints of the oppressions of the Romish see, that he loaded them with new impositions, especially their religious houses. But it was not from the pope alone that the church now suffered. The see of Winchester was still vacant; nor was Henry able to carry his point till he forced upon the convent a prior, who was a foreigner, lavish of the revenues of the church, and devoted to the will of the court. It was by his means that a majority of the monks was at last prevailed upon to give their votes for William, Henry's candidate, and uncle to the queen, who soon after his election died at Viterbo in Italy. The see of Litchfield and Coventry was at this time likewise vacant; and a dispute arose concerning the right of supplying it, between the monks of Coventry and the secular canons of Litchfield. The controversy was carried to Rome, where it was determined by pope Gregory IX, that both parties should have an equal interest in the election, and that it should be made at Coventry and Litchfield by turns. This being settled, they chose for their bishop Hugh Pateshal, who was lord treasurer, and a baron of the exchequer.

As the clergy went still on in their just complaints, the archbishop of Canterbury in particular used all methods, either by remonstrance, or complying where he could do it safely, even though to his own prejudice, to make the pope sensible of the king's repeated invasions upon the ecclesiastical authority. The clergy, on their parts, seconded his

by Robert Twinge,

who has his right confirmed by the pope.

Richard Poor bishop of Salisbury dies,

and Peter bishop of Winchester.

See p. 735.

The English barons write a letter to the pope about the right of patronage,

Hugh Pateshal chosen bishop of Litchfield.

The archbishop of Canterbury remonstrates against encroachments upon the church.



his representations, and digested their grievances to no fewer than thirty heads, containing their complaints for the breach of their charters, and the long vacancies of bishoprics, abbeyes, and other ecclesiastical livings. The pope at last, moved by those remonstrances, but perhaps more by a large sum which had been lately voted to his legate, granted to the archbishop a power to fill up all sees or abbeyes after six months vacancy: but Henry representing, that this might be prejudicial to him, and consequently to the holy see, his holiness was prevailed upon to recall that authority. While things were in this situation, Ruby, a new agent from the pope, arrived in England, and had a meeting with the prelates at Northampton, [See p. 738.] where he demanded no less than a fifth of their estates, and produced a bull for that purpose, which said, that the money was to enable his holiness to make war against the emperor. The clergy, on the other hand, made this an exception against their compliance; they told the legate, That it was unlawful for them to grant his demand, because it was to be employed for the effusion of Christian blood: That the bull of the pope having threatened them with ecclesiastical censures, if they did not comply, their liberties were directly violated; and farther, that, upon their granting the last tenth, they had been promised that no farther exactions should be made. They likewise urged, That nothing could be more imprudent than their granting, at that time, any supply against the emperor, because, having frequent occasions to go to Rome, in which they were obliged to pass through part of his territories, they might be laid under arrest in case they should comply. All these reasons were backed with shewing the folly and wickedness of impoverishing the country, in favour of Italian cormorants.

This firmness of the prelates, for that time, disconcerted the legate and his assistants; they therefore attempted to carry their point in another manner; for they summoned together the clergy of Berkshire, and plied them with studied harangues upon the necessities of the holy see, and the expediency of their granting money for its relief. But that meeting, to the reasons already given by the prelates, urged others of their own, with a good sense and freedom, so surpassing the ignorance and bigotry of that age, that I shall transcribe some of them literally from my author, the rather because they are at all times, and upon all occasions, excellent arguments against the encroachments of the papal see.

In the first place, they said, That it was not their business to furnish any contribution against the emperor, who, though excommunicated, had not been convicted by any regular judgment of the church: That his

invasion of the patrimony of St. Peter was no argument for their compliance, since it is not by the secular arm that the church is to combat. In the next place, As the church of Rome has her own revenue, which is vested in the pope; so likewise other churches have their revenues, arising from the charity and benevolence of kings and great men, which in no respect ought to pay fines or tribute to the Romish church; therefore prelates should not be compelled to contribute out of their revenues. Farther, Although, in the language of law, every thing is said to belong to the sovereign, yet that relation does not arise from dominion or property, but from care and protection; and the relation between churches and the pope stand on the same footing. The scripture says, "Thou art Peter, and upon this rock I will build my church;" but our Saviour, by those words, while he delegated the care, reserved the property, of the church. This appears by the next words, "Whatever you shall bind on earth, shall be bound in heaven;" but he does not say, "Whatever you shall exact on earth, shall be exacted in heaven." The doctrine of the holy fathers teaches, that the revenues of churches should be applied to certain uses, such as the maintenance of the clergy and poor; therefore nothing but the authority of the universal church can convert them to other uses. They added, That the revenues of the church were at that time scarcely sufficient for maintaining its own clergy and its own poor, especially in that time of dearth and famine: That the practices of the church of Rome were now become scandalous; for it had been publicly talked, that there was a secret understanding between the emperor and the pope, who, as soon as he got the money, would make up matters with his adversary, without refunding a farthing: That two like instances may establish a precedent; they had already agreed to an exaction of this kind, and should they agree to it now, it might be drawn into a custom. The king and the nobility of England, both by hereditary right and immemorial usage, have right to the patronage of English churches; therefore the rectors presented by them, neither can nor ought to grant any contribution, without consulting their patrons, because such contributions may injure the properties of their churches. The endowments of those churches with lands and revenues were made with a special proviso, That their rectors should be hospitable both to rich and poor, to laity and clergy, according to their several abilities (1).

This last reason is remarkable, and deserves our attention; but is omitted by Mr. Collier, in his representation of this matter. The last reason urged by them, which I shall mention, was, That as the

(1) Item cum rex Angliæ et magnates, tam in jure hæreditariis, quam bona et appropriata consuetudine, habent jus patronatus ecclesiarum Angliæ, et rectores ad earum præsentationem instituti nolunt, sicut nec debent, nec possunt in aliquam contributionem consentire in consensu patronis, quia sic possit ex ecclesiis suis præjudicium generari: cum eadem ecclesiæ sint per eosdem patronos terrarum ac reddituum propter hoc specialiter collationibus dotatæ aut ditatæ, ut rectores earum suscipiant hospites, tam divitum quam pauperum, sustinentes hospitalitatem tam laicorum quam clericorum secundum suas facultates locorum exigente consuetudine. Mat. Paris, fol. 362.



money to be collected was to be applied against a prince nearly related by marriage to the crown of England, it was therefore indecent for them to grant it. Other reasons were urged, but of a more particular and temporary nature, and therefore I shall omit them. The legate found it in vain to persist in his demand, as the reasons advanced by the clergy were unanswerable; he therefore applied personally to those who he thought had most ambition, and, by dividing them, came somewhat nearer to his purpose, though my author does not mention particulars.

The earl of Cornwall, about this time having taken the cross, received a surprizing message from the pope against his voyage. This probably was with a view of engaging him and the other English crusaders in the service of the pope himself. The earl seems to have understood the message in that light, and treated it with a becoming contempt. In the mean while an archbishop of Armagh was consecrated by the bishop of Worcester at Westminster; his name was Adelm, and a German by birth. The church of St. Paul in London was likewise consecrated, being now rebuilt at a great expence, the work having continued upwards of a hundred and fifty years. The legate soon after was recalled by the pope to assist at a general council; and Ruby returned from Scotland, where he had been for some time. But, however vigorously the English clergy had opposed the papal exactions, which were to be employed against the emperor, it appears, that that prince was far from being satisfied with their conduct; for, before the council met, he wrote a letter to Henry, bitterly complaining of the pope's unnatural conduct to him; and to his letter was subjoined a manifesto, containing his reasons against assembling the council. In the first place, he says, That the time for assembling it was improper and inconvenient. Secondly, he objects to the generality of the summons, the reason of which is expressed to be for the arduous affairs of the Romish church; whereas, in reality, it ought to have been for restoring a good understanding between himself and the see of Rome. Thirdly, he complains that the pope had summoned to this council the declared enemies of the Imperial dignity; such as the earl of Provence, and the doge of Venice, whom he names in his letter. Fourthly, Cardinal Otho, says he, the late legate with the king of England, breathing my destruction, has exhausted almost the whole treasure of that country; and, to the scandal of the Imperial dignity, and dishonour of our reputation, has caused us to be excommunicated in England: he therefore concludes, That he could not look upon the English prelates, who had given such large sums to be employed against him, in any other light than as his enemies; and that their fault was aggravated by their doing this, without their having any regard to the near relation between him and the king of England. Fifthly, he is apprehensive that the calling the council was only a pretext for obtaining a truce, by which his enemies

might have time to breathe; while the pope, by fleecing the bishops of France and England, who were to attend the council, would receive new recruits of money, to be employed against the empire. Sixthly and lastly, he urges very properly, That all the prelates, especially those of England, and even the king of England himself, had sworn subjection and obedience to the pope; but not to the emperor, or empire: That therefore there could be no impartial mediators or arbiters between the pope and him. He concludes by declaring, That he would grant to none of the prelates, who should repair to this council, a free pass through his dominions.

While the council was assembling, Edmund archbishop of Canterbury, after filling that see for eight years, died heart-broken in France, where, not enduring to be a witness of England's calamity, he had become a voluntary exile. Among other causes of his discontent, we are told, one of them was because the legate had absolved those English rebels whom he had judicially excommunicated, and had obtained the king's countenance and assistance in many other encroachments upon his office and character of primate and metropolitan of all England. He was succeeded by Boniface, a prince of the house of Savoy, and uncle to the king, whom Henry recommended. His succeeding, therefore, with the electors, was considered as a great point; but he was not so sure, at this time, of the pope. He therefore prevailed with several of the bishops and abbots to join in a very warm recommendation of the elect to the pope. This was the more expedient, as the elect, though a very fine gentleman both in his person and manners, was utterly unknown to the monks, and judged by the world to be much inferior to his predecessor in his episcopal qualifications. Some, to whom this instrument was communicated, had the spirit to refuse to set their seals to so strained a panegyric as it contained; while some of the monks of Canterbury, rather than make such courtly compliances, chose to abandon their convent, and enter into the Carthusian order. But, notwithstanding this recommendation, it is certain that Boniface was not confirmed into his see till the year 1245.

In the mean time the emperor renewed his manifesto against the meeting of the general council, and increased his threatenings against the prelates who should repair thither. The pope, on the other hand, as strenuously encouraged them to despise the Imperial menaces. But such of them as ventured through any part of the emperor's territories were taken, as were many of them at sea. This exasperating the pope, mutual reproaches passed on both sides, and his holiness was obliged to fortify the spirits of the prelates by an animating letter. But this pope Gregory IX. dying soon after, he was succeeded by Innocent IV. who, among the first acts of his government, sent to Henry the emperor a bull of pardon, which was to last for four years, in case he should fall under any of the ecclesiastical

Adelm consecrated archbishop of Armagh.

The consecration of St. Paul's church at London.

The emperor's reasons against the general council.

Edmund archbishop of Canterbury dies in France,

and is succeeded by archbishop Boniface.

The emperor renews his manifesto.

Pope Gregory IX. dies.

Pope Innocent IV. sends a bull of pardon to the emperor.



ecclesiastical canons, by laying violent hands upon a clergyman.

A difference between Grosted and the monks of Canterbury.

It was some time before this that the famous Robert Grosted, or Greathead, had a difference with the monks of Canterbury, upon a point very interesting to ecclesiastical discipline. The abbot of Bardney, within the diocese of Lincoln, had borrowed a sum of money from a certain clergyman, who demanding it of the then abbot, the latter told him, that the debt being contracted by his predecessor, he did not think himself bound to discharge it. The clergyman appealed first to the archdeacon, and then brought the cause to the bishop's court; but the abbot, to evade payment, appealed to the convent of Christ-church at Canterbury, under pretence that, during the vacancy of the archbishopric, the exercise of archiepiscopal functions devolved upon them. This claim, which was equally impudent and unjust, was treated by the bishop of Lincoln with becoming indignation; but, finding the abbot resolved not to retract his appeal, he ordered the monks of the convent of Bardney no longer to acknowledge him as abbot, and actually pronounced against him sentence of deprivation. This alarmed the convent of Canterbury so much, that it immediately assembled, and ventured to proceed against the bishop in his absence, as an undutiful suffragan, and failing in his regard to the see of Canterbury. This ridiculous action was followed by an actual excommunication of the bishop, for invading the archiepiscopal rights; but the bishop, who was a man of spirit, boldly tore in pieces the sentence of excommunication which had been served upon him, and ordered the messenger who brought it to be thrown into prison. The monks, upon this, and upon his proceeding in the free exercise of his episcopal function, brought their appeal to Rome, where the matter lay for some years in suspense, notwithstanding it was extremely clear that no monk, who was not of a higher order than a priest, could act as an archbishop; and if this was true individually, the same would hold collectively. The pope, at last, ordered the monks to take off their censure from the archbishop; but, as the depression of the episcopal authority had been for some time a favourite point with the see of Rome, he would not venture absolutely to condemn the conduct of the brotherhood.

William Raley bishop of Winchester.

In the year 1243, there happened a vacancy of the see of Winchester; upon which, William Raley, bishop of Norwich, was chosen by the chapter. As he was particularly obnoxious to Henry, he refused to confirm him, or to take any notice of his person, though he received confirmation from the pope, and was by the English clergy and nobility in general looked upon as bishop of Winchester. But Henry's aversion was so invincible, that, after making a party among the monks of that convent, he ordered the bishop's estate to be seized upon by his soldiers, and the people of Winchester to shut their gates, so as that he might not enter to take possession of his cathedral or palace;

while the bishop was obliged to retire, and shelter himself among his friends. At last, by public proclamation, all people were forbidden to give him entertainment, or furnish him with any other necessaries of life. But, about Midsummer, in the year 1244, the king was prevailed upon by the pope to recall the elect, who had fled into France, from his banishment, and re-admit him into favour.

It was about this time the controversy happened between the order of Dominican or Preaching friars, and that of Franciscan or Minorite friars. The occasion of this difference was rank pride on both sides; though all their dispute lay, which of them was most humble, each party absurdly claiming preference for the greater share it professed and practised of mortification and self-denial. But indeed, by this time, they had made a surprizing progress in England: They were possessed of princely wealth, and their cloisters rivalled palaces in magnificence. They had access to the death-beds of the great, who thought they could not be received into heaven without their convoy. They were masters, by their receiving confessions, of the most important secrets in all families; and they improved the whole in enlarging their privileges, in engrossing the most eminent posts at court, and in amassing wealth and riches. Add to all this, that they were the chief promoters of the pope's cormorant power within England, which was daily growing to a more excessive height.

A dispute between the Dominican and Franciscan friars.

A public complaint was therefore drawn up; but whether in some general meeting of the people and clergy, or in parliament, authors have left us in the dark. The complaint sets forth, That if their lord the pope would consider the ancient, the middle, and the present state of the English church, he would not so much trample under foot churches and churchmen, nor straiten them by demanding and extorting from them that to which he had no right. They then proceed to shew, that when the churches of London, Canterbury, and Rochester were endowed, the revenues assigned to them were to be conferred on clergymen and monks, who were to spend them on the spot in acts of hospitality and piety: That those endowments were made out of the king's, or some great men's, proper revenue; as were those of all the other cathedrals, prebendaries, and convents throughout the kingdom: That the crown, in all its assignations, reserved three services, to which the assigned lands were subject, viz. expedition, pontage, and murage, for repelling invasions of enemies: That it was therefore contrary to all right and reason to expect, that those endowments should be subject to the oppressions of a foreign tribunal. But what still aggravated the matter was, that those oppressions were for supporting the purposes of blood-shed, burnings, and devastations. They urged, that this was very contrary to the spirit of the gospel, when our Saviour bade Peter to put up his sword into his scabbard. The remonstrance goes on to shew how inconsistent

The clergy complain to the pope of their grievances. Paris.



consistent it was with good policy to contribute money to be employed against the emperor, who was so near a relation to the crown of England, and who might be thereby provoked to make some hostile attempts upon the nation, or at least to withhold his assistance from enabling the king to recover his paternal dominions in France. The remonstrance then puts the pope in mind of the miseries which England had suffered, by calling in Lewis the prince of France; and quotes a letter of the king's to the pope, in which he exclaims against being any longer subject to such exactions.

The pope endeavours to bring over David prince of Wales from his engagements.

See p. 746.

The order of Cross-bearers arrive in England.

Richard de la Wich elected bishop of Chichester.

See p. 749. A general council at Lyons.

It is probable that this remonstrance was secretly favoured by the crown; and Matthew Paris informs us here, that the pope, at this time, endeavoured to draw over David prince of North Wales from his engagements with Henry, and to subject him to the see of Rome, by paying five hundred marks yearly. But no relaxation, of any kind, could be procured for the people of England. Martin, a new harpy, of whom we have taken notice in the civil history, now arrived in England; and, as was reported, had a number of blank commissions from the pope, which he was empowered to fill up at pleasure. The several altercations between the pope, and the court and people of England, subsequent to this, have been fully described in the civil history.

The pope, finding the good effects of the Dominican and Franciscan orders upon his affairs in England, about this time dispatched thither a new order of religious, who appeared first in a synod called by the bishop of Rochester. They were called Cross-bearers, from their wearing crosses on their staves; and, after demanding a settlement in England, produced from the pope a most amazing power, by which the canons of the Lateran council were suspended: for those religious were exempted from all check, reproach, or controul; and whoever should presume to oppose them, were to be excommunicated forthwith by themselves. About this time a courtier, Robert Passilau, who was lord-treasurer, was, by the king's approbation, chosen bishop of Chichester; but, when this elect came to undergo an examination, he was found miserably defective in point of learning. The elect of Canterbury therefore, and the other bishops, ordered the canons to proceed to a new election, which they accordingly did, and elected in his stead Richard de la Wich, who, after some difficulties, was admitted to the see.

The next great ecclesiastical event which happened, was the council of Lyons. The declared purpose of its meeting was to support the sinking affairs of the Christians in the Holy Land, and of the Latin and Greek empire, to check the Tartars; but the pope's real view was to humble his great enemy the emperor. At this council, Boniface archbishop of Canterbury received consecration. He was a man, says Paris, more eminent by his birth than his learning, more formidable through the arm of flesh than that of the spirit. Almost all Christendom sent members to this

council, though some of the English clergy excused themselves through bodily infirmities. I have already mentioned its proceedings, so far as it regarded England; but must not here omit the remarkable letter presented, in the name of the nobility and people of England, to the pope by William Poweric, as it contains a more lively and just representation of the papal tyranny and usurpation at that time, than any which an after-writer is able to draw.

To the reverend father in Christ, pope Innocent, by the grace of God, the nobility and people of the kingdom of England recommend themselves by kissing his holy feet.

The nobility and clergy's letter to the pope.

" We love, with all due affection, with all the powers of our bodies, our mother the church of Rome; with the most sincere zeal we wish her all Christian prosperity. To her we fly in our calamity, that our filial sufferings may be relieved by her maternal compassion. This compassion is what a mother ought the more kindly and readily to impart to her son, in proportion as she finds him grateful and obedient.

" This mother surely cannot be unmindful of the regard which, in all ages, the kingdom of England has expressed for her, by yielding her, for her greater exaltation and safety, a decent and plentiful support, that thus the bond of love may be more firmly knit between the church and that kingdom. This support, in process of time, came to have the name of St. Peter's penny. But the church itself, not content with this provision, at other times sought for other subsidies, which were multiplied by her legates and other agents. Even these were liberally and willingly granted by her obedient sons, who thus, with arms of affection, embraced their mother.

" We are likewise sensible your holiness knows, that our Catholic predecessors, with becoming devotion to their Creator, and from an ardent zeal for their own souls, with those of their predecessors and successors, have founded monasteries, and endowed them with their own estates, both in demesne lands and the patronages of churches; so that the religious, who served in those monasteries, might enjoy themselves in peace and full tranquility, by being furnished from the said endowments with all necessaries consistent with a religious life; and that clergymen, obtaining churches with their patronages, thereby subjected themselves to secular toils and labours, and put themselves under an obligation of defending the religious from all encroachments.

" Therefore it is not without great trouble to us, and inexpressible anguish of spirit, that the foresaid religious are frequently defrauded of their patronages and collations of churches. But, notwithstanding the said endowments, and without having

" any



“ any regard to them, you and your prede-  
 “ cessors have planted an infinite number of  
 “ Italians in England, by making them  
 “ rectors of churches, the patronages of which  
 “ belong to those religious; thereby leaving  
 “ the foresaid religious, whom they ought  
 “ to defend, entirely exposed; paying no re-  
 “ gard to the care of souls, but suffering ra-  
 “ venous wolves to disperse their flocks and  
 “ devour their sheep. It may therefore be  
 “ truly said, That they are not good shep-  
 “ herds, because they know not their sheep,  
 “ neither do their sheep know them. They  
 “ do not conform themselves to the ordi-  
 “ nances of the church, by cultivating hos-  
 “ pitality, and giving alms. All they do is,  
 “ to seize upon the revenues, and to carry  
 “ them abroad, to the very great detriment  
 “ and impoverishment of the kingdom. Yet  
 “ those revenues were designed for the be-  
 “ nefit of our brethren, nephews, kinsmen,  
 “ and other dutiful subjects of the kingdom  
 “ of England. These both could and would  
 “ exercise acts of charity, piety and mercy,  
 “ and practise the pastoral duties in their  
 “ own persons: for, as St. Paul says, They  
 “ who serve at the altar, should live by the  
 “ altar. Instead of that, they are reduced,  
 “ by necessity, to live as laics and exiles.

“ Now, that your holiness may be more  
 “ sensible of this truth, those Italians receive  
 “ in England upwards of sixty thousand  
 “ merks yearly, besides other revenues; and  
 “ thereby carry out of the kingdom more  
 “ actual wealth than the king's revenue  
 “ amounts to, though he is the guardian of  
 “ the church, and the head of the kingdom.  
 “ Now, after your creation, we were, and  
 “ are still, in hopes, so great a confidence  
 “ had we in your holiness, prompted by  
 “ compassion, that we should have enjoyed  
 “ our foresaid ecclesiastical endowments;  
 “ and that, under your pontificate, they  
 “ would have been put upon their just and  
 “ ancient footing.

“ But we cannot conceal our grievances;  
 “ we are oppressed, nay, immoderately op-  
 “ pressed. For instance, Mr. Martin lately  
 “ entered the kingdom of England, without  
 “ licence from our lord the king, with greater  
 “ powers than ever we knew to be granted  
 “ to a legate, who had even been invited in  
 “ by our sovereign. He had not, 'tis true,  
 “ the badges, but he exceeded the com-  
 “ mission, of a legate; every day he produced  
 “ new powers, and even exceeded excess it-  
 “ self. He conferred upon Italians vacant  
 “ benefices, of thirty merks or upwards a  
 “ year; intruders were put into other livings,  
 “ without knowledge of the patrons, who  
 “ were thereby defrauded of their right.  
 “ Still Mr. Martin went on to fill up, with  
 “ whom he pleased, all such benefices when  
 “ vacant. Sometimes he reserved the col-  
 “ lation of livings to the apostolic see, and  
 “ over and above extorted from the religious  
 “ immoderate gratuities; and sometimes he  
 “ put those who contradicted or opposed  
 “ him, under sentences of excommunica-  
 “ tion and interdict, to the great peril and  
 “ danger of their souls.

“ As, therefore, the foresaid Mr. Martin  
 “ has, to the great disturbance of all the  
 “ kingdom, exercised such a jurisdiction as,  
 “ we are persuaded, could never be derived  
 “ from you; as, in many respects, he acts  
 “ with more full powers than we ever knew  
 “ vested in any legate, to the great diminu-  
 “ tion of the royal prerogative; according  
 “ to which, through the special indulgence  
 “ of the holy see, no person can exercise  
 “ legantine duties in England, unless parti-  
 “ cularly invited by the king: We there-  
 “ fore, with all humility and devotion, pe-  
 “ tition your holiness, that, like an affec-  
 “ tionate father stretching forth his hands  
 “ to relieve the hardships of his sons, you  
 “ would speedily relieve us from the above  
 “ oppressions and hardships, by seasonably ap-  
 “ plying to them an instant and effectual re-  
 “ medy. This we the rather hope for, as  
 “ our lord the king, who is a Catholic  
 “ prince, and assiduously practises every di-  
 “ vine duty, without any regard to the fa-  
 “ tigue of his own body, has the most de-  
 “ vout regard for the apostolic seat; and,  
 “ as a devout son, desires the increase, the  
 “ honour, and prosperity of the Roman see;  
 “ but still with an exception to his royal au-  
 “ thority and sovereign power.

“ As for our part, who in our sovereign's  
 “ affairs bear the heat and labour of the day,  
 “ and whose duty it is, with our lord the  
 “ king himself, diligently to attend to the  
 “ preservation of the realm, we can no longer,  
 “ with any patience, bear the foresaid op-  
 “ pressions; which, as they are detestable  
 “ to God and man, are intolerable to us;  
 “ neither, by the grace of God, will we  
 “ any longer endure them. Let your holiness  
 “ administer a remedy, which, we hope and  
 “ believe, will be speedy and timely. May  
 “ it therefore please your holiness, in such  
 “ manner to hear this our complaint, as  
 “ that you may receive the grateful acknow-  
 “ ledgments of your most dear sons in Christ,  
 “ The peers and people of England.”

The reader will be apt to make many re-  
 flections upon this letter, especially the lat-  
 ter part of it; yet it had very little effect:  
 for the pope found means to wave any de-  
 termination upon the subject, by making se-  
 veral regulations regarding the adventurers to  
 the Holy Land, and proceeding to an ex-  
 communication of the emperor, which he  
 formally and arbitrarily pronounced. This  
 excommunication lighted up a war all over  
 Europe. When the emperor Frederic heard  
 of it, he manfully put his crown on his  
 head, and defied the pope and all his church  
 to tear it off. He next wrote letters of re-  
 monstrance to all the powers of Europe,  
 complaining of the injustice which had been  
 done him. That address to Henry is writ  
 with a spirit free enough for a protestant  
 power now to express. He desires him to  
 consider what Henry and his people are to  
 expect from the papal insolence, when he,  
 the first prince of Europe, uncited and un-  
 convicted, had been deposed by a pretended  
 general council. What is there not, says he,  
 that

The emperor  
 deposed by  
 the pope.

and his letter  
 thereupon to  
 Henry.



that kings and states have not to fear from such a high-priest, who attempts to depose a prince regularly and lawfully elected, and over whom the papal power has no authority in temporal affairs, even though there were against him just matter of complaint? He complains of the overgrown wealth and riches of the clergy, whose greatness has been raised on the ruin and impoverishment of kingdoms. He inveighs against their insatiable rapaciousness, and says, that they held the laity like a bird in a net, which the more the prisoner endeavoured to escape, was drawn the closer. He shews the unreasonable grasping of the church at universal power, in the practices the pope had made use of to distress him. He desires Henry to believe the words of the bearer, as if they had been sworn to by St. Peter. He then, after an attestation on the purity of his intentions, concludes in the following remarkable words: "It was always my firm purpose to reduce the clergy of all orders, especially the higher, to the first principles of their institution. The clergy of the primitive church, says he, led an apostolic life, and imitated the humility of their master; it was to such clergy that angels appeared; in such miracles shone; the sick were cured, the dead were raised; and to their sanctity, but not to their arms, kings and princes submitted. But our modern clergy, devoted to the world, intoxicated by luxury, forget their lord; and religion itself is smothered under their affluence of riches and power. It is, therefore, a work of charity to draw from such their damnable load of hurtful wealth. To this purpose, you and all princes ought earnestly to labour with us, that the clergy, stripped of all superfluities, and contented with a competency, may apply to the service of God."

Conjecture.

It is hard to say whether the dissatisfaction of the government and people of England at this time with the pope, did not make them relish the sentiments contained in this letter; and whether the clergy here, notwithstanding all their provocations, did not think it convenient to join with the pope, to ward off a blow which threatened the impoverishment of the church in general. For when the nobility and laity had prevailed so far with Henry as to head their opposition to the pope, and, in consequence of that, had entered into a resolution to stop the payment of the tribute imposed by Pandulph on king John, the bishops meanly deserted the government. This gave the pope fresh encouragement to renew his oppressions. We find, however, that he endeavoured to sweeten them, by some acts of indulgence; particularly he issued a bull, containing the privileges and immunities of the English and Irish churches. He granted a bull against pronouncing excommunications or interdicts in royal chapels, and for dispensing with plurality of benefices in favour of the clergy, especially the sons of noblemen, provided they were properly qualified in every respect.

Rymer, vol. i. p. 455.

The pope grants some indulgences to the clergy.

He likewise had so much regard to the remonstrance presented in the council, that we find another bull of his, by which all patrons are secured in their rights of presentation to vacant churches, and freed from all obstacles in the exercise of the same. We meet with another indulgence by which the court clergy are exempted from residence.

Ibid. 444.

All this time the national clergy was receiving daily mortifications from the insolence of the Dominicans and Preaching friars. They not only continued all the abuses I have already mentioned, but presumed to intrude themselves into synods, and to vilify the bishops and their clergy. To justify this, they never were unprovided with privileges from the court of Rome; and they even went so far, as to demand the pulpits of the parish priests to preach in, and the liberty of holding forth wherever they pleased. But the most dangerous part of their usurpations was the practice which they still continued of receiving confessions. The people having been before always used to confess to the parish priest, who lived sociably among themselves, his being conscious of their vices, was a kind of a check upon their immorality; but this check was removed by the religious entering upon the office of confessors, and took off all restraint of that kind: for as their lives were itinerant, their penitents seldom saw them twice, and were therefore the less solicitous about their reproaches.

Insolence of the Dominicans and Preaching friars.

Their dangerous practice of receiving confessions.

A dispute of some importance at this time happened, between Grosset bishop of Lincoln, who applied to the court of Rome to have his jurisdiction over his dean and chapter confirmed. It seems the latter had denied his power of enquiring into their management, and of punishing for misbehaviour. They likewise contended, that there was no occasion for asking his consent in the election of a dean; and that neither he nor the prebendaries were obliged to swear canonical obedience to the bishop at their instalment. The pope, in his sentence, favoured the bishop; but without indulging him in all his claim: for though he gave him a right to visit the dean and chapter, the clergy of the choir, and all the chapels and parishes belonging to the cathedral; yet he exempted the chapter from paying procurations at such visitations. The chapter had their power of punishment confirmed to them; but the censure was to fall into the hands of the bishop, if they should refuse to pass it upon his admonition. The chapter was likewise enjoined to give a simple promise of canonical obedience, but without swearing to it.

The dispute between Grosset and his chapter decided by the pope.

The same year in which this decision happened died the famous Alexander Hales, so called from the place of his nativity, and well known by the epithet of the Irrefragable Doctor. He made a very great figure in the church, by his knowledge in that abstracted learning which was so much in vogue at that time, particularly in logic and metaphysics. He was likewise eminent for his knowledge of the canon law, and for his commentary upon the master of the sentences; but

The famous Dr. Alexander Hales dies.



but spent the most useful years of his life in the university of Paris, where he was royal professor of Divinity.

Notwithstanding the late compliance of the prelates, the pope still continued very much dissatisfied with the conduct of the court and people of England; and it was not long before the bishops themselves, sensible of the error they had committed, joined with the government in a fresh representation to his holiness for redress. This was done by letters from the king, from the bishops, and from the barons, who, in their application, had been joined by the commons and inferior clergy. The letters from the king and the prelates were in a dutiful, but mournful strain; as if all they dreaded was a diminution of the church's power, and a rebellion among the people, if the papal oppressions continued; but the barons and commons told his holiness roundly, that if he did not proceed to give them remedy, they would administer it to themselves. The pope, either through obstinacy, or by the secret encouragement he received from England, paid very little regard to all those remonstrances. He told the commissioners who were sent to him, that their master seemed to be turning restive and a Frederic; "but, continues he, he may pursue his own measures, as I will mine." This haughtiness, however, was very displeasing to the conclave; and the more as the pope had threatened to proceed to an interdict upon the whole kingdom. It was in vain for one John, an English cardinal, to endeavour to mollify him, by laying before him the wretched state of all Europe, and of the Holy Land, and the danger there was, lest the English, treated as they were like beasts of burden, should at last throw off their load. But the more his holiness was pressed to the methods of lenity, he grew the more untractable till he carried his point, as we have seen in the civil history. It is true, that, besides his promising not to present any more foreigners to English livings, he gave up his claim to the effects of the clergy in England who died intestate. This was a most impudent claim; for he included in the number of the intestate not only those who had made no will, but those who being disabled by sickness or infirmity from making one, had given directions to

their friends to draw up one for them. We are told the cardinals prevailed with the pope to drop this his claim.

In the year 1250, Walter Gray archbishop of York formed two constitutions; both of them are so material to the knowledge of the then state of the church, that I shall transcribe them here: "Whereas great controversy often ariseth between the rectors or vicars of churches within the province of York, and their parishioners, concerning divers ornaments, and things belonging to the church; therefore, that it may be known what the rectors or vicars are concerned to uphold and repair, and what things and ornaments of the church are to be repaired by the parishioners; we ordain that all our parishioners be so well informed in the following particulars, as that they do all in every respect observe them, that is, the chalice, the principal mass-vestment of the church, with the chesible, the alb, the amyt, the stole, the maniple, the girdle, with three towels and corporals, and other decent vestments for the deacon, and subdeacon, according to the condition of the parishioners and the church, with a silk cope for the principal festivals, and two others for presiding in the choir at the feasts aforesaid, a cross for processions, and another lesser cross for the dead, a bier for the dead, a vessel for the holy water, an osculatory, a candle-stick for the paschal-taper, a censere-pot, a lanthorn, with a little bell, a lenten-vail for the collets (so our ancestors called the acolyths, or candle-bearers, as they are stiled;) the Legend (1), the Antiphonare, the Gradale, the Psalter, the Troper, the Ordinal, the Missal, the Manual, which are the books; the frontal for the high altar, three surplices, a decent pix for the body of Christ, banners for rogation-days, great bells, with their ropes, the holy font with a lock and key, the crismatory, the images in the churches, the principal image (in the chancel) of that saint to which that church is dedicated, the repair of the books and vestments, with all the things aforesaid, as occasion shall be; the beam-light in the church, and building of it, with the steeple within and without; the glass-win-

Walter Gray's constitutions at York.

Johnson's canons.

The pope's obstinacy and haughtiness.

See p. 751.

(1) The Legend was a book of the lives of the saints, to be read upon holidays, according to the direction of the rubric. The Antiphonare was a collection of the antiphonæ, appointed for the annual course. These antiphonæ were an alternate way of singing psalms, or other hymns; and, in a stricter sense, the antiphonæ are short sentences taken out of the psalms, and particularly expressive of the mystery of the day; which sentences were introductive hymns to the psalms appointed for the occasion. The Gradale was a book which taught the priest and the choir how to sing mass. 'Tis true, the Gradale is sometimes taken in another sense, i. e. for the verse which is sung after the epistle, which was formerly sung upon the steps of the altar: and Ugutio will have it called Gradale, because the music was always rising from one note to another. Lyndwood observes, that by the Gradale, in this place, we are to understand an entire book, which comprehends the office used at the sprinkling of holy water, the kyrie eleeson, the gloria in excelsis, the gradalia, hallelujah, the tractus, sequentiæ, symbolum cantandum in missa, offertoria, sanctus Agnus, communio, with some other parts of the office which was sung by the choir at high mass. The Psalterium is the Psalter, or book of psalms. The Troparium, or Troperium, is a collection of the sequentiæ, which book is necessary when the sequences are not to be found in the Gradale. By the way, these sequences are hymns of exultation. The Ordinal is a sort of directory, or rubric book, for the performing divine service. The Missal is taken in the modern sense, and needs not be explained. The Manual was a book, containing directions for the administration of the sacrament, and performing those ceremonies which they call sacramentalia. It furnished the church with a form for the benediction of fountains and other things, which, according to custom, had those solemnities passed upon them. And Lyndwood is likewise of opinion, that by the Manual we are to understand a collection of those offices which are made use of in processions. And, since I have mentioned Lyndwood, I must take notice that he observes, that the Legend was a book which prescribed the lessons for the morning service, which lessons were frequently taken out of the Old and New Testament. These days were marked in the Legend; and, at other times, the homilies of the fathers, and the lives of the saints, were made use of. And as to the Antiphonarium, besides what hath been already mentioned, he tells us, it takes in the hymns, the invitatoria, the responsaria, the collects, &c. Collier's Ecclesiastical Hist. fol. 456.



“ dows, the fence of the church-yards, with  
 “ the wings of the body of the church, and  
 “ every thing which is known to belong to  
 “ the parishioners.

“ All other things shall belong to the  
 “ rectors or vicars, according to their several  
 “ ordinations (endowments;) that is, the  
 “ principal chancel, with the reparations  
 “ thereof, and the walls, and roofs, and glass-  
 “ windows, with desks and benches, and  
 “ other decent ornaments, that they may  
 “ sing, with the prophet, Lord, I have loved  
 “ the comeliness of thy house; together with  
 “ the manse of the rectory, and the repara-  
 “ tion thereof from time to time; and let  
 “ rectors or vicars know, that they may be  
 “ compelled to these and other things not  
 “ written in this book by the ordinaries of  
 “ the places, according to this and other con-  
 “ stitutions approved in this respect.” And  
 the second runs thus: “ Because, by means  
 “ of divers customs in demanding tythes in  
 “ divers churches, great disputes, scandals,  
 “ and malice arise between rectors and their  
 “ parishioners; our will is, that, in all parish  
 “ churches within our province, archbishop-  
 “ ric, or archdeaconry, there be an uniform  
 “ demand of tythes, and other ecclesiastical  
 “ profits, unless the parishioners will redeem  
 “ them at a competent rate. And our will  
 “ is, that the tythe of hay be paid wherever  
 “ it grows, whether in great meadows, or  
 “ less, or in the heads of plough-lands, and  
 “ to the advantage of the church. As to  
 “ the feeding of cattle, our will is, as to  
 “ lambs, that, for six or fewer, so many  
 “ halfpence be paid. For seven lambs, or  
 “ more, the seventh lamb; but so that the  
 “ rector, who receives the seventh lamb for  
 “ tythes, pay back three-halfpence; he who  
 “ receives the eighth, a penny; he who re-  
 “ ceives the ninth, a halfpenny; or else the  
 “ rector may chuse to stay till the next year,  
 “ and receive the tenth: and let him that  
 “ so stays, always insist upon the second, or  
 “ at least the third best of the lambs of the  
 “ second year; and this on the account of  
 “ the year’s delay. This is also to be ap-  
 “ plied to the title of wool. If the sheep  
 “ have fed in one parish in the winter, in  
 “ another during summer, let the tythes be  
 “ divided. If any buy or sell sheep between  
 “ the winter and summer, and it be certain  
 “ from what parish they came, the tythe is  
 “ to be divided, as in case a thing belongs to  
 “ two several houses; but if this be not cer-  
 “ tain, let that church, within whose bounds  
 “ they are shorn, have the whole tythe.  
 “ As to milk, our will is, that the tythe  
 “ be paid while it lasts; of cheese in its  
 “ season, of the milk itself in autumn and  
 “ winter, unless the parishioners will redeem  
 “ it, and that to the advantage of the church.  
 “ Our will is, that tythe be paid in full of  
 “ the profit of mills. We ordain, that tythes  
 “ be paid of pastures of all sorts, whether  
 “ common or not common, according to  
 “ the number of the cattle and the days,  
 “ and for the advantage of the church. We  
 “ ordain, that tythes be demanded and paid  
 “ in a due manner, of fishings and bees, as

“ as of all other things yearly renewing,  
 “ which are gotten by lawful means. We  
 “ ordain, that personal tythes be paid of  
 “ handicrafts, and merchants, and of the  
 “ gains of negotiation; as also of carpen-  
 “ ters, smiths, and weavers, masons and vic-  
 “ tuallers; that is, let tythes be paid of their  
 “ wages, unless they are willing (with the  
 “ rector’s consent) to make some certain pay-  
 “ ment, for the benefit of the lights of the  
 “ church. In demanding the principal le-  
 “ gacy, let the custom of the province, with  
 “ the possession of the church, be observed;  
 “ but so that the rector, vicar, or annual  
 “ chaplain have the fear of God before his  
 “ eyes in making the demand. But because  
 “ we hear there are some who refuse to pay  
 “ tythes, we ordain that parishioners be ad-  
 “ monished once, twice, or thrice to pay  
 “ tythes to God and the church; and if  
 “ they persist in their refusal, let them be  
 “ suspended from entrance into the church,  
 “ and so be compelled, if need be, by  
 “ church censure to the payment thereof.  
 “ But when they crave a relaxation and ab-  
 “ solution of the said suspension, let them  
 “ be sent to the ordinaries of the place, to  
 “ be absolved and punished in due manner.  
 “ The rectors, vicars, and annual chaplains  
 “ of churches, who do not demand the  
 “ tythes effectually in manner aforesaid, ei-  
 “ ther for fear or favour of ill men, or for  
 “ want of the fear of God, shall be involved  
 “ in the penalty of suspension, till they pay  
 “ half a merk to the archdeacon for their  
 “ disobedience.”

Notwithstanding all the pains the papal  
 court was at to debauch the English clergy,  
 some of them were so eminently pious and  
 regular, that they would have done honour  
 to primitive Christianity itself. Among those  
 were Richard de Wich bishop of Chichester,  
 who died about this time, and the famous  
 Robert Grosted bishop of Lincoln. This last-  
 mentioned prelate was so severe upon his  
 clergy, that he suspended one Ralph, a priest,  
 for his incontinency, and then excommu-  
 nicated him for refusing to submit to the  
 sentence. The delinquent still remaining  
 contumacious, the bishop applied to the she-  
 riff for an attachment: but the sheriff’s par-  
 tiality to his acquaintance Ralph, made him  
 slight the prelate’s application, for which  
 reason he was put under the same sentence.  
 This spirit in a prelate was far from being  
 agreeable either to the English, or the papal,  
 court. But Henry, instead, as he ought to  
 have done, of maintaining on the footing of  
 the prerogative the authority of his officer, if  
 it was violated, meanly applied to the pope,  
 beseeching him to take the regal authority  
 under the protection of the papal, and to  
 censure the bishop. But Grosted, who was  
 thoroughly sensible of the degeneracy of both  
 courts, paid so little regard to his holiness,  
 that he inspected into the manners of his  
 clergy with more severity than ever. At  
 last, perceiving all his efforts vain, he thought  
 of resigning his bishopric; but he was soon  
 dissuaded from that resolution, by reflecting  
 on the consequences of a vacancy, and of his

The bishops  
 of Chichester  
 and Lincoln  
 die.

The severe  
 discipline of  
 the latter to-  
 wards the  
 clergy of his  
 diocese.



his see being filled up perhaps by some worthless papeling. He, therefore, renewed his assiduity in reforming the manners of all, especially the religious, within his diocese. He, visited their houses with a severity unknown to that age, and ordered the breasts of the nuns to be searched, to discover their incontinency. This austerity soon brought upon him the displeasure of the pope; nor was it long before a plausible handle was afforded for suspending him: for he refused to institute an Italian, ignorant of the English language, to one of the best livings in the kingdom. Grosted seems to have regarded the suspension which followed this rather as a matter of form, than of censure, and obtained at the instance of the government. He went on in the practice of his episcopal duties: nay, his very enemies had such a regard for his virtue, that, soon after, he procured a bull for enquiring into the management of the religious houses within his diocese. By this he reformed a great abuse; for he discovered that several of the monasteries, who had patronages of livings, put the profits of them into their own pocket, allowing a very slender pittance for maintaining a curate. The pope's bull, therefore, gave a commission to the bishop to augment small vicarages, or to settle new ones, and to ordain part of the tythes, as he thought proper, for that purpose.

He tears the pope's bulls.

But the pope, some time after, plying this prelate with other bulls of a very different nature, he paid them so little regard, that whenever they were presented to him, he tore them in pieces, and trampled them under foot, in sight of all his clergy. His boldness did not even stop there; for being required by the pope to do somewhat, which, says Matthew Paris, appeared to him pressing and unjust, he not only refused the service, but accompanied his refusal by a letter,

which, had it not come to our hands by unquestionable authority, we could not believe to have been written in that age: an extract of it, from Mr. Collier, the reader has in the notes (1).

But we are told, that when his holiness received it, he fell into a fit of madness and raving against the bishop; he swore by St. Peter and St. Paul; he exclaimed that the king of England was his vassal, nay, his slave, whom he could throw into prison with a nod, and whom he could brand with infamy at his pleasure. But the prelate's unquestionable character was a defence to him against the presumptuous arrogance of the pontiff; for the cardinals, struck with his virtues, interceded in his behalf so strenuously, and so effectually laid before the pope the truth of all he had said, that the matter was for that time hushed up. Yet it is hard to say how far the pontiff's resentment might have afterwards carried him, had not the worthy prelate about this time fallen sick. His last hours were spent in making himself useful to his country and his diocese; he ordered his clergy every where to pronounce excommunications against all who should violate the great charter; he openly inveighed against the worthlessness, the ignorance, and the vices of the Romish bishop and see; he exposed their juggles, and boldly pronounced, that the fault of heresy lay rather in practice than in belief. "Heresy, said he, is an opinion adopted by human passion, contrary to scripture, publicly taught, and obstinately defended." This definition he applied with great spirit to the practice of prelates, who, in compliance with the sensations of their own corrupt hearts, followed all kind of worldly pursuits, and, according to him, were the real heretics of Christianity. He next fell upon the Dominicans and Franciscans, the stains of piety, and scandal of

The pope's behaviour upon this.

(1) I desire your prudence, says the bishop, to take notice, that I am ready to obey an apostolical order, with all the filial respect and duty imaginable; but whatever contradicts the character of apostolical instructions, I declare myself an enemy against, and that out of regard to my great ghostly Father; for to both these parts of behaviour I am bound by God Almighty's command. To apply this, the apostolical instructions must of necessity be agreeable to the doctrine of the apostles, and our blessed Saviour, who is principally represented by his holiness the pope. For our Lord Jesus Christ has declared, "He that is not with me, is against me." But the sanctity of the apostolic see is such, that it can never appear in opposition to our blessed Saviour. From hence it plainly follows, the letter above-mentioned (meaning the pope's bull) is altogether different from an apostolical character. First, because of the non-obstante, so frequently made use of now-a-days, which has nothing of natural equity in it. Indeed this scandalous clause brings in, as it were, a deluge of mischief upon Christendom; and gives occasion to a great deal of inconstancy, breach of faith, and bold measures: it shakes the very foundation of trust and security, and makes language and letters almost insignificant: and thus the purity of religion, and the peace of society, suffer extremely by this latitude. Besides, next to the sins of Lucifer and Anti-christ, there cannot be a greater defection, or which carries a more direct opposition to the doctrine of our Saviour and his apostles, than to destroy people's souls, by depriving them of the advantage of the pastoral office; and yet 'tis evident, those persons are guilty of this sin who undertake the sacerdotal function, and receive the profits, without discharging the duty; for, not to perform the office of a pastor, is, in the scripture account, a downright murdering of the sheep. These two instances of misbehaviour, in regard they tend so strongly to the destruction of truth and virtue, and strike so directly at the happiness of mankind, may justly be called crimes of the most flaming malignity: and as, in moral productions, the cause of good is better than its effect, so, in the propagation of vice, the original and source of the mischief is worse than the disorder that proceeds from it. From hence it is evident, that those who bring such unqualified persons into the church, and debauch the hierarchy, are most to blame; and that their crimes rise in proportion to the height of their station. The holy apostolic see, therefore, which has so full an authority assigned by our Saviour for edification, and not for destruction, as the apostle declares; the holy apostolic see, I say, which has her authority under this restriction, can never countenance or command so horrid and pernicious a prevarication. To attempt any thing of this kind would be a notorious abuse, if not a forfeiture, of her authority; it would be straying to a lamentable distance from the throne of glory, and the representation of our blessed Saviour: instead of this, such persons may be said to be placed in the chair of pestilence, and in a manner to sit upon the couch with the devil and Anti-christ. Neither can any person, who continues in the communion of the church, and pays a due regard to the apostolic see, obey any commands of this kind, though imposed by the most glorious angel in heaven. On the contrary, he ought to rebel, if I may call it so, upon the order, and to oppose it to the utmost of his power. For this reason, since the instructions above-mentioned are so plain a contradiction to the Catholic faith, and the sanctity of the apostolic see, I must refuse them upon the score of duty, and not comply even out of deference to the person by whom they are sent; neither can your prudence put any hardship upon me for this incompletion, because, properly speaking, it is no contumacy or disobedience; but a filial respect. For, to sum up all in a word, the holy apostolic see has its commission only for edification, and not for destruction; for that's the true plenitude of power which extends only to edification. But these provisions, as they call them, have a manifest tendency to destruction; therefore the holy apostolic see can by no means allow such a liberty. For, to conclude, these practices are revealed by flesh and blood, which shall not inherit the kingdom of God; and not by the father of our Lord Jesus Christ. Vol. i. fol. 460, 461.



His learning  
and character.

mankind; and finding his dissolution approach, he ordered numbers of his clergy to attend him, to whom, as his dying bequeathment, he expressed his abhorrence both for the doctrine and the practices of the Romish church. He was a prelate not more eminent for morals than learning; and so high was his reputation, that, though he died excommunicated, the dean and chapter of St. Paul's petitioned the pope for his canonization. He was born of an honourable family at Studbrook in Suffolk; and, among other literary performances, he translated into Latin, from the Greek, the Testament of the Twelve Patriarchs; a copy of which he was at the expence of procuring from Greece. In short, this prelate was an honour not only to the church of England; but to Christianity itself.

The character  
of Boniface  
archbishop of  
Canterbury.

Very different from his was the character of Boniface archbishop of Canterbury. This prelate, intoxicated with his high quality and great relations, acted as the tyrant, rather than the reformer, of the clergy. The reformation of their manners, which he seemed to have so much at heart, was no other than a pretext for squeezing them out of money. He began a visitation, and, in all the houses he visited, he left sensible marks of his severity and avarice. When he came to London, he was refused admittance, by the chapter of St. Paul's, upon which the dean and some of his canons were excommunicated. Next day, when he visited the regular canons of St. Bartholomew, they received him with great politeness; but desired to be excused from admitting his visitation, in prejudice of the rights of their ordinary. Upon this,

the archbishop knocked the sub-prior down, and, upon the convent's running in to his assistance, a stout skirmish ensued; but the archbishop, supported by his followers, beat the monks out of their house into the streets, where they ran about, shewing to the citizens the bloody tokens of the archiepiscopal visitation. The citizens, upon this, gave way to their fury, and to the dislike they had of the archbishop's person, and manner of election. They instantly took arms, and vowed his destruction; so that he thought it prudent to retire to Lambeth. Both parties then applied for relief, the monks to the bishop of London, and the archbishop to the king. The bishop referred his monks to the king likewise; but Henry, prepossessed by the archbishop, refused to see them, and published a proclamation, forbidding the citizens of London to pursue their revenge any farther. An appeal, however, was made to Rome on the part of the suffragans and clergy; and the dean of St. Paul's, with some others, were sent as deputies to complain of the archbishop, who soon after repaired in person to Rome. There he was supported by all Henry's interest, and that of his brother the earl of Savoy; but, notwithstanding this, he met with difficulties. At last the pope confirmed his authority of visiting the provinces; but fixed the demands of procurations, both as to number and price.

Soon after the archbishop's return to England, there was a visitation throughout all the dioceses of the kingdom, for the reformation and conduct of laity as well as clergy. Articles for this purpose were drawn up, which the reader will find in the notes (1), and which

Enquiry into  
the manners  
of the laity  
and clergy.

(1) They were to enquire, Whether any of the laity keep a scandalous correspondence with any women, or whether their reputation is publicly charged with any such disorder? Whether any layman frequents the conversation of any woman, without a justifiable occasion? Whether any of the laity are drunkards, frequenters of taverns, or usurers? Whether any of the laity farm the glebe-lands, or tythes, lying within their own manors? Whether any of the laity are compelled to offer and receive the eucharist, after mass, upon Easter-day? Whether any of the laity are remarkably guilty of pride, covetousness, malice, or epicurism? Whether any of the laity keep markets, hold pleas, or take other diversions in consecrated places; and whether these liberties have been forbidden by the bishop? Whether any sick person has wanted any of the sacraments, by the negligence of the priest? Whether any churches are unprovided with a priest? Whether any churches are pulled down without the bishop's leave, or remain unconsecrated? Whether any Jews remove from their accustomed habitations, and settle in any new place? Whether any of the laity make clandestine marriages, and omit the public bans in cases not allowed by the canon law? Whether any lay person procures mass to be said in any chapel, without the bishop's leave? How the servants of abbots, parsons, priors, and other religious behave themselves in the farms and estates belonging to their respective masters? Whether any rectors, vicars, or priests are scandalously illiterate? Whether any of this order misbehave themselves with respect to women? Whether those guilty of any such crimes have been punished by their archdeacons, and how often? Whether those who have either confessed or been convicted of this sort of debauchery, have engaged to resign their livings in case of relapse; and whether any of them have relapsed after such obligation? Whether any beneficed persons are married? Whether any clerks frequent nunneries, without a reasonable excuse? Whether any clerks entertain any women, whether relations or others, at their houses, from whence they may give occasion to scandal and suspicion? Whether any of the clergy are intemperate, frequent taverns, turn merchants or usurers, are given to fighting, wrestling, or any other practice unbecoming their character? Whether any of them are farmers, and either hire or let the lands or tythes of their parsonages or vicarages, without the bishop's leave? Whether any of this order are high sheriffs, judges, or hold any bailiwicks of the laity, by virtue of which offices they may be obliged to make an account to those who gave their commission? Whether any clerk is guilty of simony, either for orders or preferment? Whether any priest, belonging to the parish church, is not allowed a sufficient maintenance by the rector? Whether any rector or vicar spends any of the revenues of the church in building upon a lay-sec, or whether he lodges the tythes in any one house or ground not belonging to the church? Whether any of this order appear in a military figure, and have not a habit and tonsure suitable to their character? Whether any clerk is a pluralist, without a dispensation? Whether any rector or vicar is the son of the last incumbent? Whether any priest exacts money for penance, or any other sacraments; or enjoins any discipline for his own profit? Whether any deacons take confessions, or administer any other sacraments, which are only the privilege of priests? Whether any rector or vicar does not reside upon his benefice? Whether church-yards are well fenced or inclosed, the churches decently built and ornamented, and the holy vessels well kept? Whether any beneficed persons set up lectures of civil law, or frequent such exercises? Whether carriages pass upon Sundays, holidays, and by whom? Whether there is a correct copy of the mass and divine service in all churches? Whether any monasteries appropriate any churches, or portions of tythes, to their own houses; or whether any pensions, out of livings or portions of tythes, have accrued to any monks, without the allowance of the bishop of the diocese? Whether any vicars make themselves rectors, or vice versa? Whether any illegitimate persons, without dispensations, enjoy any ecclesiastical benefices, or are admitted to holy orders? Whether any persons pretend to be rectors or vicars, without collation or institution from the bishop? Whether adultery, and other public and scandalous crimes in the laity, are duly punished by the archdeacon; and whether any person marries within the prohibited degrees? Whether there are licensed and authorised penitentiaries in the respective rural deaneries, to take the confessions of rectors, vicars, and other priests? Whether any monks dwell upon any farms or estates remote from their monasteries; what reputation they have, and how they behave themselves in the exercise of discipline and devotion? Whether the dean, or any of the chapter, enter into any confederacy in the vacancy of the see, to the disadvantage of the bishop? Whether any archdeacons receive more than their due for procurations; and whether these dignitaries, the deans, and other clergy of lower orders, behave themselves suitably to their function? Whether executors discharge their trust faithfully, and give an account of their management to the bishop? And lastly, whether any markets were kept on Sundays. Collier's Ecclesiastical Hist. vol. i. fol. 464, 465.



contain a kind of an index of the various maladies under which the state and church of England then laboured.

The pope, at the same time, as a farther improvement of the regulation of the clergy, addressed a letter to the prelates of France, England, Scotland, &c. in which he takes notice, that it was then a common practice with the clergy to apply to the study of secular laws, instead of divinity; and that they made law their main step to all preferments. He farther takes notice, that this had introduced great luxury, and indecency in the apparel and equipage of clergymen. As a remedy for this, he strictly enjoins all candidates not to take any degree of laws before they enter into ecclesiastical life, unless at the same time they were sufficiently well grounded in the canon law, and other branches of liberal education, and particularly well versed in divinity. At the same time he suppresses the lectures of secular (by which he means civil) law, provided it was agreeable to the princes of the several countries which his letter was to affect. This was among the last acts of that insolent pontiff Innocent IV. He was succeeded by Alexander IV, a pope of a milder temper, and happier disposition, but of a weaker head. Much about the same time died Hugh Norwald bishop of Ely. He was the founder and builder not only of the palace, but of the choir and cathedral of that see, which cost him no less than five thousand three hundred and fifty pounds; an incredible sum, in those days, to come out of the pocket of a private bishop! Walter Gray archbishop of York likewise died about this time, after holding that see about forty years. This prelate also was a considerable benefactor to his archbishopric; and his own genius, improved by long experience, made him one of the greatest ministers of his age. His see remained vacant for some time, which gave occasion to some murmurs, since the king had just confirmed the great charter, the provisions of which were expressly against any such vacancy. Not long after, the Bethlehemites, a new order of monks, settled in Cambridge. These were a kind of an order in commemoration of the star which appeared to the wise men at the birth of our Saviour, and therefore they wore a five-pointed red star on their breasts.

A convocation having been summoned by the archbishop of Canterbury to meet at London in July, 1257, the government opposed its meeting upon this principle, that the members of it owing their attendance in the field to the king, who was then in arms, they could not, without prejudice to the royal authority, meet in convocation. A writ to this purpose was directed to all the suffragans of the archbishopric of Canterbury, and the government seems to have been in the right as to this principle, unless the clergy could prove some authentic act, by which their attendance in person was dispensed with on such occasions. Mr. Collier, speaking of this royal prohibition, very justly remarks, that this convocation was assembled without the king's writ, and by that of the archbi-

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shop only. We know of no farther consequences which this inhibition had, only that the court of Rome, taking advantage of the smallest differences arising in England, made an order, that every elected abbot should come to Rome for his confirmation, and to receive the papal benediction. This order not being opposed, the pope was encouraged to carry it farther, and extended it to all sees, the chapters of which consisted of monks, and to all abbots, whether exempt, or not exempt. About this time died Robert de Suffield bishop of Norwich. This prelate drew up, for the use of the pope, a valuation of all ecclesiastical revenues throughout the kingdom. This valuation was afterwards of great service in all cases of grants of subsidies upon the clergy.

Sewal dean of York now filled that see, vacant by the death of Walter Gray. This prelate, not being of a humour to digest the papal usurpations, was very free with his homeliness pope Alexander IV, who, in revenge, was weak enough to excommunicate him. One expression in the archbishop's representation gave him particular disgust; for that prelate takes notice, that when our Saviour gave St. Peter commission to feed his flock, he gave him no power either to flea, or to eat, them. The prelate likewise refused to admit unqualified Italians to church livings. Upon his death-bed he appealed to heaven from the pope's injustice to him.

A provincial synod was summoned in April, 1258, to meet at Merton in Surrey. A copy of the summons is come to our hands, in the bishop of Lichfield's and Coventry's letter to the archdeacon of Stafford, which recites the archbishop's summons to the bishop, and is a proof that the inferior clergy were then represented in synods by the archdeacons of their division, since the summons of the archbishop runs, "That he should diligently obey the same, and to appear at a certain day and place, with procuratory letters from the clergy of all his archdeaconship." The design of this meeting was professedly to screw the powers of the church to a greater height than ever they were known, under pretence that the laity made great encroachments upon the ecclesiastical authority.

The first article runs in a very arrogant strain. "The members, by the authority of the council, expressly forbid an archbishop, bishop, or other inferior prelate, to be called, by the king's letter, before a secular judicature, to answer there upon matters which are known to concern merely their office and court ecclesiastical, as whether they have admitted, or not admitted, clerks to vacant churches or chapels; or have instituted, or not instituted rectors in the same; whether they have excommunicated, or denounced excommunicate their subjects interdicted; or consecrated churches; have celebrated orders, have taken cognizance of causes purely spiritual, as tythes, oblations, bounds of parishes, and the like, which cannot concern the secular court; or have taken cognizance of the sins of their subjects,

10 K

" or

Robert Suffield bishop of Norwich dies.

Sewal chosen archbishop of York is excommunicated by the pope.

A provincial synod at Merton in Surrey by archbishop Boniface.

Its canons;

Hugh Norwald bishop of Ely dies;

as did Walter Gray archbishop of York.

The Bethlehemites settle in Cambridge.

A convocation held at London.



“ or their excesses, as perjury, breach of  
 “ faith, sacrilege, violation, or perturbation  
 “ of ecclesiastical liberty (especially because  
 “ such violators and perturbators do ipso  
 “ facto incur the censure of excommunica-  
 “ tion by charters granted by our lord the  
 “ king to the church;) or whether they  
 “ take cognizance of actions personal, con-  
 “ cerning contracts, or quasi contracts, tref-  
 “ passes, or quasi trespasses, either between  
 “ clergymen, or between clergymen com-  
 “ plainants, and laymen defendants; or whe-  
 “ ther they have not compelled ecclesiastical  
 “ persons, amerced at the command of our  
 “ lord the king to pay such amercements,  
 “ or have not themselves paid them for them;  
 “ or whether they have exercised the canon-  
 “ ical accustomed jurisdiction in the churches  
 “ or chapels annexed to their bishoprics and  
 “ monasteries, and vacant by the death of  
 “ their prelates; or whether they have done  
 “ or not done any thing of this sort pertain-  
 “ ing to their office. We ordain, by au-  
 “ thority of this present council, that arch-  
 “ bishops, bishops, and other prelates do  
 “ not come, when they are called for such  
 “ spiritual matters; since no power is given  
 “ to laymen to judge God’s anointed, but  
 “ they are under the necessity of obedience.”

Then follows a provision for saving appear-  
 ances with the prerogative; for such persons,  
 when summoned, are desired to go or write  
 to the king of a very extraordinary nature,  
 and that they cannot obey such royal man-  
 dates but at the hazard of their order.  
 “ And if our lord the king, in his attach-  
 “ ments, prohibitions, summons, make men-  
 “ tion of the right of advowson, not of tythes  
 “ or chattels, not of perjury or breach of  
 “ faith, nor of the transgressions of his sub-  
 “ jects and bailiffs, the correction of whom  
 “ he asserts to belong to himself; not of sa-  
 “ crilege, or the perturbation of ecclesiastical  
 “ liberty; then let the said prelates intimate  
 “ to him, that they take no cognizance of  
 “ advowson, chattels, or other things be-  
 “ longing to his court, and intend no such  
 “ thing; but of tythes, sins, and other mere  
 “ spiritual things belonging to their office  
 “ and jurisdiction, and to the health of souls:  
 “ admonishing and intreating him not to ob-  
 “ struct them as to the aforesaid particulars.  
 “ And, beside this, let the bishop who is  
 “ particularly concerned go to the king, and  
 “ admonish him over and again, that he  
 “ consult his soul’s health, and wholly de-  
 “ sist from such mandates; and, if he does  
 “ not, then, upon solemn notice given by  
 “ the bishop, let the archbishop, if in the  
 “ province, or else the bishop of London,  
 “ as the dean of the bishops, calling two or  
 “ three more of the bishops to him, go to  
 “ the king, and admonish him, and earnestly  
 “ require him to supersede the foresaid man-  
 “ dates; and if our lord the king, contemn-  
 “ ing such exhortations and admonitions,  
 “ do, by himself, or by others, proceed to  
 “ make such attachments and distresses, let  
 “ the sheriffs and bailiffs, whatsoever they  
 “ be who make the attachment or distress,  
 “ be laid under the sentences of excommu-

“ nication and suspension, by the diocesans of  
 “ the places, in form of law.” Several other  
 severe provisions were made against those  
 who persist in their attachments, and against  
 clerks and beneficed persons who made them,  
 and are to be canonically punished, nor be  
 admitted into any ecclesiastical preferment,  
 till they purged themselves by oath. But the  
 most insolent part of the article is as follows:  
 “ And if our lord the king, having been  
 “ sufficiently admonish’d, or any other se-  
 “ cular power, yet do not revoke the at-  
 “ tachments, let the bishop who has been  
 “ distressed put the streets, vills, and castles,  
 “ which our lord the king, or other secular  
 “ power, holds within his bishopric, under  
 “ an ecclesiastical interdict. And if the king,  
 “ or other secular potentate, persist in his  
 “ hardness, let other fellow-bishops resent  
 “ such a distress, as committed in common  
 “ upon them all, and as a public injury  
 “ upon the church, and lay the cities, de-  
 “ mesnes, boroughs, castles, and vills of the  
 “ king himself, or of the other power, be-  
 “ ing within their bishoprics, under an ec-  
 “ clesiastical interdict, by the authority of  
 “ the present council. And if, upon this,  
 “ the king do not, within twenty days after,  
 “ revoke such attachments and distresses,  
 “ but rather lay his hand more heavily upon  
 “ the church, then let the archbishops and  
 “ bishops lay their own dioceses under an  
 “ ecclesiastical interdict. Let the same be  
 “ done as to the lands, castles, and boroughs  
 “ that enjoy royal privileges within the said  
 “ province. And if any bishop be found  
 “ remiss in this respect, let him be severely  
 “ reprehended by his metropolitan; and, if  
 “ he persist in his neglect, be canonically  
 “ punished by him; and let his diocese, not-  
 “ withstanding, be laid under ecclesiastical  
 “ interdict, by the consent of all the pre-  
 “ lates, and by his own, given in this pre-  
 “ sent council.”

The second article, according to Lynd-  
 wood, preserves to the recoverer his right of  
 patronage; but if the living which he has  
 recovered is already provided with an incum-  
 bent, the bishop cannot turn out that in-  
 cumbent even by the king’s letter, only the  
 recoverer can present him anew.

The third article, after a pompous intro-  
 duction, provides against the admission or  
 intrusion of clerks into any ecclesiastical be-  
 nefice by a lay power. Such intruders were  
 to be denounced excommunicate by the dio-  
 cesan, and excluded from the benefice in  
 question. If the sentence of excommunica-  
 tion should continue for a year, he was to  
 be rendered incapable of enjoying any eccle-  
 siastical benefice within the province of Can-  
 terbury. The like punishments are provided  
 against all proctors, actors, and abettors in  
 such intrusions. “ But, says the canon, if  
 “ such intrusions be made by royal power,  
 “ let our lord the king be monished by the  
 “ diocesan of the place, to cause them to  
 “ be revoked within a competent time; or  
 “ else let the lands and places which our lord  
 “ the king has within that diocese, in which  
 “ the intrusion was made, be laid under ec-  
 “ clesiastical



“ ecclesiastical interdict, according to the form  
“ above-mentioned. If the intrusion be  
“ made by any other great man, or poten-  
“ tate, let them be corrected by the sentences  
“ of the interdict and excommunication as  
“ above; and if they patiently bear these  
“ sentences passed on them on this account  
“ for two months, thenceforth let their lands  
“ and places which they have in that diocese  
“ be put under ecclesiastical interdict by the  
“ diocesan of the place, and let the aforesaid  
“ sentences not be relaxed till they make  
“ competent satisfaction for the injury, diso-  
“ bedience, and contempt.”

The fourth imports, “ That no person,  
“ imprisoned upon a writ of excommuni-  
“ cation, should be set at liberty without  
“ consent of the prelates, and making due  
“ satisfaction to the church.” And here the  
article complains, “ That the king’s writ for  
“ seizing the excommunicated person is fre-  
“ quently denied; and that sometimes the  
“ king and his bailiffs, or ministers of justice,  
“ converse publicly with these excommuni-  
“ cated persons: That this practice was a  
“ contempt of the keys, and subversive of  
“ the authority of the church. It was there-  
“ fore decreed, That excommunications  
“ should be denounced with the circum-  
“ stances of bell, book and candle, and pu-  
“ blished wherever the ordinary shall think  
“ fit; and that the sheriffs and other bailiffs,  
“ who shall set such excommunicated per-  
“ sons at liberty before the ordinary has re-  
“ ceived satisfaction, shall be solemnly ex-  
“ communicated themselves. However, if  
“ it appears such sheriffs, &c. have acted by  
“ the king’s commands, it is left to the dis-  
“ cretion of the ordinaries to deal more fa-  
“ vourably with them. But then, those  
“ clerks who shall dictate, ingross, seal, or  
“ give their advice, for the drawing up any  
“ such writs, precepts, or orders, to the  
“ prejudice of the church, shall be solemnly  
“ excommunicated; and all those clerks who  
“ are reasonably suspected of any such prac-  
“ tice, shall be incapable of holding any be-  
“ nefice till they have purged themselves of  
“ such imputations, according to the direction  
“ of the canons. And when the customary  
“ writ, *de excommunicato capiendo*, was  
“ denied, the king was to be petitioned by  
“ the ordinary, that it might be granted;  
“ and in case the refusal was continued, the  
“ king’s castles, towns, &c. in that diocese,  
“ were to be interdicted. And as for those  
“ who kept company with excommunicated  
“ persons, they were to be punished pursu-  
“ ant to the discipline of the church.”

The fifth provides against lay persons keep-  
ing in durance clerks of good fame, without  
delivering them over to the ordinary. Lay  
persons, offending in this, are declared to be  
excommunicated; and the places where they  
are kept, interdicted. The same canon pro-  
vides, “ That when any wandering or un-  
“ known clerks are apprehended, they shall  
“ be demanded from the secular officers by  
“ their ordinaries, who are to try them; and  
“ in case of denial, they are subject to ec-  
“ clesiastical censures.” Several other pro-

visions are made against abusing clergymen  
when apprehended; but at last it is said,  
“ That if any clerk is lawfully convicted of  
“ transgressing the laws concerning forests  
“ and parks, before his ordinary, or con-  
“ fessing his crime to him, let him have a  
“ severe ransom laid upon him, in propor-  
“ tion to his transgression, if he have goods  
“ of his own; and let the ransom be assigned  
“ to the injured party. If he have not, let  
“ the bishop lay upon him a severe personal  
“ punishment, in proportion to the fault,  
“ lest assurance of impunity render men pre-  
“ sumptuous and licentious in offending.”

The sixth article is not indeed to be found  
in Sir Henry Spelman or Lyndwood, but  
there is reason to believe it genuine; but it  
screws the ecclesiastical power to so unwar-  
rantable a height, that plainly manifests the  
scheme of Boniface to have been not only of  
emancipating the clergy from all secular ju-  
risdiction, but of setting up a government  
within government. The contents of this  
famous article are as follow: “ Whereas  
“ some laymen, making mutual contracts  
“ with clergymen, and confirming the con-  
“ tracts by pawning their faith, and by cor-  
“ poral oath; and yet, being convened by  
“ the ecclesiastical judge for contempt of  
“ their faith and oath, obtain the king’s pro-  
“ hibition, that so they may decline the en-  
“ quiry of the ecclesiastical judge for perjury  
“ and breach of faith: We provide, that if  
“ laymen be the obtainers, they be coerced  
“ with an excommunication, as is aforesaid;  
“ and if they do not desist, and have an  
“ estate in immoveables, let their lands be  
“ laid under interdict: if they have not, let  
“ their servants, that are not slaves, be ad-  
“ monished to leave them within eight days;  
“ or else let the same sentence of greater ex-  
“ communication be passed on them. If a  
“ clerk or religious man be guilty, let ca-  
“ nonical punishments be inflicted on them.  
“ If the clerk persist, let him be proceeded  
“ against with the punishment above-men-  
“ tioned for pertinacious clerks. If a layman  
“ be plaintiff, let him not be admitted, ex-  
“ cept he have a lay-fee. If the bishop be  
“ distressed, let our lord the king and the  
“ distressor be proceeded against as above is  
“ expressed. Let the same be observed in  
“ the like prohibitions. Let the same be  
“ observed if a third party, by way of tra-  
“ verse, come and offer the prohibition, or  
“ cause it to be offered; if he in whose be-  
“ half it was evidently obtained, do stand  
“ by it, either in word or deed.”

The seventh article relates to the privileges  
ecclesiastics had assumed, of judging and pu-  
nishing Jews, and runs thus: “ Because ec-  
“ clesiastical judicature is likewise confound-  
“ ed, and the office of prelates confounded,  
“ when a Jew, offending against ecclesiasti-  
“ cal things and persons, is convicted of  
“ these, or other matters which belong to  
“ the ecclesiastical court by pure right, and  
“ yet is not permitted by the king, sheriffs,  
“ or bailiffs, to stand to the ecclesiastical  
“ law, but is rather forced to betake himself  
“ to the king’s court; now we ordain, That  
“ such



“such Jews be driven to make answer in  
“such cases before a judge ecclesiastical, by  
“being forbidden to traffic, contract, or  
“converse with the faithful; and that they  
“who forbid and obstruct them, and that  
“distress judges and others on this account,  
“be coerced by the sentences of excommu-  
“nication and interdict.”

The eighth constitution regulates the privilege of churches wherein criminals took sanctuary, both as to greater and lesser crimes: for it seems, that the clergy of that church to which the criminal fled were obliged to provide victuals for him while in sanctuary; and that the criminal, while there, had liberty of going thirty paces from the church, and forty if it was a cathedral; but, at the same time, he was liable to a pecuniary satisfaction, and also to pay his debts. As for greater crimes, all laymen were bound to swear, That they would leave the kingdom, and not return without the king's licence: so that, after taking this oath, they were to take the direct road to the next port, and embark by the first opportunity; and while they were in that road, they were deemed to be in sanctuary. The canon itself runs thus: “Whereas such as betake themselves  
“to the privilege of the church can some-  
“times scarce be provided of victuals, by  
“reason of the strait custody under which  
“they are put; and that they are often drag-  
“ged from the churches, church-yards, or  
“public roads, by violence, after they have  
“forsworn their country; and being dragged  
“from thence, are slain in a public manner,  
“to the prejudice of the immunities of the  
“church: We ordain, That they who hin-  
“der the bringing of victuals to such re-  
“fugees, whom the church is bound to de-  
“fend, be chastised with ecclesiastical cen-  
“sure, at discretion of the ordinaries. We  
“decree, That they who drag them from  
“any place that enjoys ecclesiastical immu-  
“nity, or that rashly kill them after they  
“have forsworn their country (since they  
“are there under the protection of the  
“church) be (1) punished with all the pu-  
“nishments due to sacrilege, one punish-  
“ment not annulling the rest. Let no guard  
“be set by a lay power in the church, or  
“church-yard, against them that fly to the  
“church. Let those who presume either  
“to be of those guards, or to set them there,  
“be coerced by a sentence of excommuni-  
“cation in form of law; but let the church  
“protect those only, whom the canons di-  
“rect to be protected.” By this last clause we are to observe, that public robbers and depopulators of the country only were excepted by canon law, and none but Catholics were capable of this privilege in any case; but they were excluded, if the crime was committed in the church.

The ninth article runs against disturbers of the church's liberties, and such as seize

the goods and properties of ecclesiastics, and is thus: “That a remedy may be found  
“against such as infringe or disturb the li-  
“berties of the church, or invade ecclesi-  
“astical goods, we think fit to ordain, That  
“such malefactors be denounced guilty of  
“sacrilege, and excommunicate by the or-  
“dinaries of the places; and if they remain  
“pertinacious in their malice for one month,  
“then let their lands, and the places where  
“they dwell, be laid under ecclesiastical in-  
“terdict, and let neither sentence be relaxed  
“till they have made competent satisfaction  
“for their damages and injuries. And if  
“any, regardless of the divine honour, de-  
“prive the church of her possessions or li-  
“berties, let them be liable to the aforesaid  
“penalties; and let the sentence of excom-  
“munication, in form of law, be solemnly  
“passed against them, till full restitution  
“and satisfaction be made. And if these sa-  
“cilegious cause the judges or prelates to be  
“attached or distressed on this account, let  
“them and the attachers be smitten with  
“the punishments declared against such at-  
“tachers and distressors.”

The tenth canon mentions and provides against an abuse of great mens seizing the houses, houses, and effects of clergymen; and all offenders of this kind are denounced to be excommunicated. The same penalty is imposed on those who oblige the clergy to sell goods at the king's price to the king and his officers, and sometimes to deliver them without payment. This is a most scandalous article, as it exempts the clergy from those inconveniences which all subjects, in duty to their country, ought to bear in time of war. The taking quarters up in the houses of clergymen, their obliging their horses and carriages to the service of the field, and their taking their provisions at a reasonable market price, are inconveniences which no subject, in time of public commotion, ought to refuse to submit to, and such as the lands of churchmen were liable to by their first endowments.

The eleventh article provides against the king's bailiffs destroying the parks, timber, and other improvements of churches and religious houses, during their vacancies; and likewise against the waste of those things, such as tythes, offerings, and the like, belonging to churches appropriated to monasteries, to which the crown can have no right on account of the barony. All such transgressors, even to the king himself, are subject to ecclesiastical censures.

By the twelfth it is provided, “That if a  
“prelate be condemned or distressed, for  
“not appearing in person, but by their attor-  
“nies, before the itinerant judges, on ac-  
“count of their ecclesiastical estates, the at-  
“tachers and distressors be severely proceed-  
“ed against by excommunication. When  
“a prelate or clergyman is summoned to

(1) He who committed sacrilege on an ecclesiastical person, was ipso facto excommunicated; he who is guilty of it in relation to ecclesiastical things, is to be also excommunicated; but if he who steals an ecclesiastical thing, does at the same time burn the church, or break it open, then he is ipso facto excommunicated. Where the difference of excommunication ipso facto, and of excommunication to be passed after the fact, is very apparent: for, by the civil law, the sacrilegious were, in some cases, condemned to wild beasts; in others, burnt alive, hanged, and sometimes condemned to the quarries, or banished.



Reflection.

“ produce his right to the liberties which  
 “ they enjoy in virtue of their churches, he  
 “ is to give no other answer, but that they  
 “ enjoy them by immemorial possession. If  
 “ the prelates or clergymen be proceeded  
 “ against in lay courts after this, those who  
 “ sue them are to be excommunicated, or  
 “ interdicted in their lands.” Though this  
 provision, at first sight, carries with it a great  
 face of arrogance; yet, to speak candidly,  
 the tenures of the church in early times were  
 so simple, that it would have been extreme-  
 ly hard to have put ecclesiastics to have  
 proved them by any other evidence than im-  
 memorial possession. This plea was allowed  
 in civil cases; and there was the more rea-  
 son to allow it in ecclesiastical, as most of  
 their tenures were Saxon.

The thirteenth article provides against the  
 late encroachments, by compelling ecclesi-  
 astical persons to do suit and services for  
 lands which they held in frank almoigne, or  
 free alms, when they cannot produce the  
 original charters, which are perhaps either  
 lost or consumed. This transgression is like-  
 wise to be punished by excommunication or  
 interdict.

Collier.

The fourteenth article is very severe on  
 the same account. It runs thus: “ And  
 “ since it sometimes happens, that princes,  
 “ and other good Christians, convey estates  
 “ and privileges to the church by charter  
 “ and deed, in which settlement, this, or a  
 “ resembling clause, is commonly inserted:  
 “ By this present deed and writing, I give,  
 “ grant, and convey to such a cathedral,  
 “ church, or monastery, and to their re-  
 “ spective bishops, abbots, &c. such fee or  
 “ estate, with all the rights, emoluments,  
 “ and appurtenances, either to me or my  
 “ heirs lawfully belonging or appertaining;  
 “ now if a contest arise afterwards, concern-  
 “ ing any branch of the premises not ex-  
 “ pressly mentioned in the conveyance, the  
 “ king’s judges pronounce the charter void,  
 “ and of none effect, because the matter in  
 “ dispute is not particularly named; and  
 “ thus, by this construction of the bench,  
 “ the word All signifies Nothing. On the  
 “ other hand, if the point under debate is  
 “ particularly expressed in the settlement, the  
 “ judges will then declare the charter of no  
 “ force or significancy, if the church or  
 “ monastery has happened to let her rights  
 “ sleep, and to have made no actual use of  
 “ the privilege in question. It is therefore  
 “ provided, that all secular judges, whether  
 “ clergy or lay, who shall injure the church  
 “ in her property, by such unreasonable and  
 “ perverse constructions of law, shall be ad-  
 “ monished, by the respective ordinaries, to  
 “ forbear such prevarication for the future;  
 “ and in case they refuse to acquiesce and  
 “ desist, the censures of excommunication  
 “ and interdict are to be denounced against  
 “ them.”

Ibid.

The fifteenth says, “ That sometimes, when  
 “ laymen die intestate, the lords of their  
 “ fees will not suffer their debts to be dis-  
 “ charged out of their moveables, and thus  
 “ their pious, charitable donations are ob-

structed. For remedy of this, it is or-  
 dained, that all lords, or their bailiffs, in-  
 termeddling in this matter, against the  
 will of the ordinaries of the place, who  
 is to order the several proportions, shall  
 be excommunicated, at least for that pro-  
 portion which it concerns the deceased to  
 have distributed for pious uses freely by  
 the ordinaries of the places.” It was like-  
 wise ordained, That all executors, before  
 they administered, should exhibit a faithful  
 inventory to the ordinary, before whom the  
 will was to be proved; which proof was to  
 be final. All obstructors of the performance  
 of wills thus proved, were liable to excom-  
 munication. No man was to hinder any  
 woman, whether his own wife, or another’s,  
 from making her will, so far as was just and  
 customary; and the church was to have her  
 rights, after the fees of the lord, and the se-  
 veral expences, were deducted.

Reflection.

Such are the chief articles of this famous  
 synod, the boldest that ever England saw in  
 its encroachments on the civil power. Some  
 of those who I have exhibited cannot fail of  
 raising the indignation of an English reader,  
 and it gives him some notion of the high  
 ideas which churchmen, in those days, had  
 of their own power, independent of the  
 civil.

The barons of England could not, with-  
 out great uneasiness, behold those proceedings.

At first they joined in a letter to the pope,  
 in which they complained bitterly of the con-  
 duct of the monks and other religious, who  
 had frustrated all the pious intentions of their  
 ancestors in the liberal endowments they  
 had made for their orders, by presenting un-  
 qualified persons to parishes and livings. They  
 say, that this was done partly by the pope’s  
 own authority, and partly by their procuring  
 appropriations from his holiness, by which  
 authority the diocesans were satisfied, and  
 the monks put the profits of the livings  
 into their own pockets. The pope’s answer  
 to this letter was very gentle. He said, That  
 all he had done in favour of the monks was  
 with the best design for the advancement of  
 religion; and that, as he was, like other men,  
 liable to mistakes, he was willing to be bet-  
 ter informed, and ready to amend. The  
 barons, in their letter, had complained of  
 the insufficiency of the clergy in general,  
 who had of late been presented to livings;  
 and concluded with a kind of a menace,  
 That as the munificence of their ancestors  
 had been thus abused, they thought they  
 might be justified in recalling it. To those  
 two points the pope answers, That he could  
 not comprehend how the English clergymen  
 could be more insufficient now, than in the  
 time of their ancestors, since no country in  
 the world could produce finer seminaries for  
 learning than England could in that age. To  
 this he adds, that the threatening to recall the  
 munificence of their ancestors was an idle  
 menace, since whatever was dedicated to the  
 service of God was irrevocable. However,  
 to leave them in a good humour, he again  
 promises to rectify whatever shall be proved  
 to have been done amiss.

The barons  
 letter to the  
 pope against  
 the abuses of  
 clergymen,

and his an-  
 swer.



The synod of Lambeth confirm the articles of Merton.

In the year 1261, a synod was held at Lambeth, where the Merton articles above recited seem to have been reviewed and confirmed, and to have others added to them. These additions are sometimes blended with the decrees of the synod of Merton; and it must be owned, that it is extremely difficult to distinguish between them. However, that the reader may have the whole of those important constitutions, I shall here insert them.

Johnson's col.

I. "Whereas false suggestions are often made to the king and his justices, that prelates and ecclesiastical judges take cognizance of the right of advowson, chatels, and other things belonging to the king's court, to the prejudice of our lord the king, when the prelates and judges are exercising their office in relation to tythes, and the sins and excesses of their subjects, as it concerns them to do; therefore let these wicked suggestors be admonished to desist: but if the prelates or judges are damnified or molested on this account, let such suggestors and dilators, who are hateful to God, and murderers of their brethren, be publicly denounced excommunicate, as violators and impugnors of Christian unity and ecclesiastical peace and liberty, till they have made competent satisfaction for the expences, damages, and injuries both to the judges and parties."

Ibid.

The second additional constitution runs thus: "Sometimes, when ecclesiastical prelates do, as they ought by their office, enquire into the manners, sins, and excesses of their subjects, our lord the king, and other great men, secular powers, and soldiers, obstruct their proceedings, by forbidding laymen to take an oath for speaking the truth, at the command of their fathers and spiritual prelates, to whom they ought to disclose their wounds, that they may be cured; and sometimes they do not permit the said prelates to impose corporal or pecuniary punishment on their subjects for their faults and excesses in cases ecclesiastical, according to the canonical sanctions, in proportion to the crimes of the offenders. But because, by the law of heaven as well as of (our) courts, punishments and rewards are proposed for the restraint of sinful appetites; and men would run into wickedness without any check, if punishment did not curb transgressors; and wicked inclinations would get strength as inward enemies: We therefore ordain, That laymen be compelled, particularly by the sentence of excommunication, to take such oath, and to perform such penalties, whether corporal or pecuniary, as are canonically inflicted on them by their prelates; and that they who hinder them from taking such oaths, and performing such penalties, be coerced by the sentences of interdict and excommunication: and if distresses are made on prelates upon this account, let the distressors be proceeded against by the punishments before prescribed."

I

The third article runs thus: "Since the sacrament of confession and penance is like a plank offered us after shipwreck, and the last refuge to them that are passing the waves of this troublesome world necessary for the salvation of every sinner, we strictly forbid, under the pain of excommunication, to hinder any one, that desires it, from having this sacrament freely administered to him, or from having sufficient time for making his confession: and we do especially urge this for the sake of prisoners, who are often inhumanly and unchristianly denied it; and if time for this be sometimes granted them, it is so short, and so unseasonable, that it turns rather to the discomfort and despair of these wretched men, than to their spiritual joy."

The fourth additional canon is as follows: "Desiring to apply a remedy against those grievances and excesses which the beadles and apparitors of archdeacons and deans occasion to our subjects, we ordain, That when they, in order to execute or do any thing necessary, come to the houses of rectors, vicars, chaplains, or any other priests, clerks, or religious, they demand nothing of them by way of procuration or duty; but that, accepting what is set before them by their hosts with thanks, they be content with it; and that they do not execute their precepts by messengers and sub-beadles, but in their own persons. Let them not themselves pass sentences of excommunication, interdict, or suspension, without the special letters of their principals. If they do, let not the sentences so passed hold in law, nor be taken notice of, for they are not binding; and let the beadles who act contrary to this statute, and are burdensome or injurious to the subjects of their principals, be severely punished, and be bound to make double restitution to those whom they have aggrieved."

The fifth is, "We ordain, that bishops in their synods and other convocations, and archdeacons in their chapters (rectors, vicars), and chaplains of parochial churches in their churches, do thrice every year denounce to all who would enjoy clerical privilege, that they must be decently clipped, and have a shaven crown, especially before their ordinaries, and in churches, and assemblies of clergymen: and let them not be ashamed to bear the marks of him who wore a crown of thorns for them, being obedient to his father even unto death, that he might make them partakers of his resurrection, and of the inheritance purchased by his blood. They who transgress against this denunciation are with menaces to be told, That they who are ashamed to have Christ's sign on their forehead may implore his help to no purpose; for he who abuses his dignity ought to lose the privilege belonging to it."

The sixth article runs thus: "We do, with a special injunction, ordain, That every bishop have one or two prisons in his

Ibid.



“ his bishopric (he is to take care of the  
 “ sufficient largeness and security thereof)  
 “ for the safe keeping of clerks, according  
 “ to canonical censure, that are flagitious,  
 “ that is, caught in a crime, or convicted  
 “ of it: and if any clerk be incorrigibly  
 “ wicked, that he must have suffered capital  
 “ punishment if he had been a layman,  
 “ we adjudge such an one to perpetual imprisonment;  
 “ but we decree, that the ancient laws be observed in relation to those  
 “ who transgress not wilfully or of set purpose,  
 “ but by chance through anger or madness.”

The king was at that time in the hands of the barons, who prevailed with him to write a letter to the pope, complaining of the decrees which had been passed by the archbishop of Canterbury and his suffragans, as being injurious to his crown and royal dignity, and praying his holiness that they may be cancelled. The state of affairs at that time in England was very uncertain, and the pope scarcely knew how to determine; for, in the year 1263, he sent back a kind of an answer to Henry's complaint, in which he seems to justify the synod, because it had been represented to him, on the part of the archbishop of Canterbury and his suffragans, that the church of England, in many respects, lying under great hardships, through the abuse of lay power, they had, in synod assembled, provided several wholesome and just regulations for their relief, and that, in consequence thereof, they had applied to him for a confirmation of the same: but that, upon the representations of Mr. Hemniquiford, his majesty's resident at Rome, that, however plausible they appeared, they derogated from the royal authority, his holiness therefore thought proper to send a previous exhortation to his majesty, intreating him to cherish the church and churchmen in their rights and liberties. He informs him, at the same time, that the only reason why he did not confirm the decrees of that synod was out of tenderness to his majesty's character; but he enjoins him to behave so, as that the clergy might be under no necessity of making a second application for such confirmation.

The troubles which were then prevailing in England between the king and his barons, occasioned violent devastations all over the nation. During Henry's absence in France this year, things were pretty quiet, though tending to a more violent rupture afterwards; for, upon Montfort's getting possession of London, great devastations happened, both upon the estates and lands of the king, and of the bishops best attached to his party. The bishop of London in particular was so much harassed, that, when the king asked his assistance for some materials for repairing what his houses at Westminster had suffered from the fury of the rebels, the prelate answered, That he was informed, by the stewards of his bishopric, that he had suffered so much in his own lands, that he durst promise his majesty no assistance that way.

But, notwithstanding all those public calamities, a great meeting of the clergy was held

in the year 1263, by a bull from the pope for granting a subsidy to the emperor of Constantinople; but the prelates very properly replied, That they had suffered so much, both from the civil commotions of their country, and from the inclemency of late seasons, that they could give no satisfaction of that kind; and, if they could, that they knew better how to employ it at home. And this, says Matthew of Westminster, I thought proper to insert, that posterity may know how to behave in like circumstances. In the meantime, the archbishop of Canterbury had retired to France, where he was very active in supporting the royal cause, and in thundering out his excommunications against the barons, who, on their side, paid very little regard either to ecclesiastical property or discipline. They had indeed been highly provoked by the conduct of the see of Rome. The pope had made several strenuous efforts for restoring Adomar bishop of Winchester, the most obnoxious prelate to them in all the kingdom, to his see. For this purpose he had sent Valasco, one of his chaplains, into England, to endeavour to make matters up between the prelate and his adversaries; but his holiness received an answer which deserves a place here, both on account of its manner, and the matter it contains.

The emperor of Constantinople demands a subsidy.

To the lord the pope, the king of England, health.

“ We received, with what reverence and honour became us, the religious man, friar Valasco, your penitentiary and chaplain, sent to us by the advice of your brethren, for the full restitution of the temporalities of the bishopric of Winchester to our brother Adomar; who having presented the apostolic letters unto us, and the barons, and the great men our counsellors, as a discreet and circumspect person, a lover of peace and concord, with much benignity and mildness, fully and diligently as he ought, propounded your requests and precepts to us, the prelates of our kingdom that were then with us, and the other university of earls, barons, and great men of our kingdom, remembering and opening the innumerable benefits the Roman church in ancient times conferred upon us and our progenitors, and the great love and favour with which you do now honour and respect us and our kingdom. Furthermore, the same friar Valasco endeavoured many days together, with much persuasion and sollicitude, to induce us, and the council, and our university aforesaid, that we would permit the same Adomar our brother fully to be restored to the bishopric of Winchester; otherwise that we should lose the favour of you and the Roman church, in that, if we obeyed not your commands, you would be provoked against us and our kingdom; when, as for the doing of justice, you are a debtor to every man. But although we wholly desire to obey the good pleasure of your fatherhood, and are bound to be grateful  
 “ for

Henry's letter to the pope, concerning Adomar bishop of Winchester.

The fatal effects of civil war.

Rymer.



"for so many favours bestowed on us and ours; yet we cannot obey this command, which not only concerns our person, but also the univerſity of our kingdom, without great danger, and the ſubverſion of the laws and cuſtoms of the ſame kingdom, it alſo being contrary to our oath: and though we would do it, yet the univerſity aforeſaid being of one mind and reſolution in this matter, for the great and notable exceſſes or faults objected to our aforeſaid brother, will in no wiſe ſuffer it, &c. Witneſs the king at Winton, the 23d of September."

His holineſs meeting with ſo flat a denial, a new election into the church of Wincheſter was proceeded upon, and the choice of the monks fell upon Henry de Wengham, lord chancellor of England, dean of St. Martin's, and a great pluraliſt. But this elect had too much of a courtier, not to perceive that all that Henry had wrote to the pope againſt the re-admiſſion of Adomar had been extorted from him; and that nothing could be more diſagreeable to his majeſty than to have that biſhopric filled up, and that on a double account; firſt, becauſe Henry ſecretly and paſſionately wiſhed for the re-admiſſion of Adomar; ſecondly, becauſe, during the vacancy, the revenues of the biſhopric came into the royal exchequer. The elect, therefore, politically declined this preferment, on pretence of his not being ſufficiently qualified in point of learning and experience in church government. But, not long after, Fulk biſhop of London dying, all thoſe reaſons from inſufficiency vaniſhed, and, having no longer the ſame objections, he was choſen into, and accepted of, that ſee; and the king, in approbation of his conduct, gave him letters patent for holding, together with the biſhopric, all the eccleſiaſtical preferments of which the crown was patron ſo long as the pope ſhould think proper. Henry's bounty did not reſt here; for Wengham not having cattle to ſtore his biſhopric of London, he received an order from the king for the delivery of five thouſand ſheep, two hundred cows, and ten bulls out of the ſtores of the biſhopric of Wincheſter; and, leſt this preferment ſhould be diſputed, Henry warrants Wengham's poſſeſſion againſt all future biſhops, his brother Adomar only excepted, in caſe he ſhould be reſtored to that ſee. This prelate was likewiſe ſo much in favour with the king, that Henry, upon his return from France in May, 1260, ſhut himſelf up in the biſhop of London's houſe for fifteen days, before he retired to the tower of London.

But matters ſoon after turning out more in favour of Henry, he made no ſcruple to declare, that all his former engagements to his ſubjects were void, becauſe they had been made without the allowance of the pope, his ſupreme lord, whoſe vaſſal he acknowledged himſelf to be; and declared farther, that his oath was void, becauſe made againſt his will.

In the year 1262, when the breach drew

wider between the king and his barons, and when the pope's diſpenſation of Henry's oath to maintain the Oxford proviſions was publicly read at Paul's croſs, and afterwards proclaimed through all England, Walter de Cantelupe biſhop of Worceſter was the only Engliſh prelate who was bold enough, in behalf of himſelf and the great men of England, to proteſt againſt the validity of the ſaid diſpenſation, and to appeal from it to the pope himſelf; but the ſecret underſtanding that now ſubſiſted between Henry and the pope, rendered this proteſt of very little effect.

In the year 1268, arrived Ottobon, legate from pope Clement IV, who now held the papal chair. His commiſſion extended over all Wales and Scotland; and on the 21ſt of April, a little after his arrival, he ſummoned a general ſynod at London, at which were preſent, according to our hiſtorians, all the prelates of Scotland, Wales, and Ireland. The aſſembly was very pompous, and was opened by the prelate, who read over the conſtitutions of his predecessor Otho, and confirmed the ſame; and then publiſhed a ſet of conſtitutions of his own, which, together with thoſe of Otho, having formed great part of the canon law which ſubſiſted before the reformation, and many of them being ſtill in force in our eccleſiaſtical laws, I ſhall here give them to the reader, either in extracts, or at large, as their ſenſe and importance require.

The firſt conſtitution is a kind of a recapitulation of the third conſtitution of Otho about baptiſm; and then this addition is made by Ottobon: "We therefore extend what is ſaid in that ſtatute of pariſh-prieſts to perpetual vicars of churches, and enjoin it to be obſerved by them; and becauſe it is certain that this (ſacrament) cannot be neglected or omitted, without hazard of ſalvation, we farther ordain, and ſtrictly charge every archdeacon, in virtue of his holy obedience, to make ſtrict inquiſition throughout his archdeaconry againſt thoſe prieſts and vicars, by ſeverely puniſhing thoſe whom he ſhall diſcover to have neglected this whoſome ſtatute, according as the caſe requires." As no mention is here made of rectors of churches, we are therefore to believe that the legate, ſpeaking after the Italian cuſtom, means ſuch by perpetual vicars of churches.

The ſecond conſtitution, after recapitulating the ſecond of Otho, by way of addition to that conſtitution, ordains, "That biſhops and archdeacons ſhould make diligent enquiry after thoſe who ſet the holy ordinances, ſuch as the conſecrated oil and chriſm, to ſale; and the delinquents were to be puniſhed as ſimoniacs. A biſhop, neglectful in this enquiry, was to be ſuſpended from wearing his pontificals, and an archdeacon from his office, till both of them ſhould make ſatisfaction." This conſtitution next preſcribes the form of pronouncing the abſolution of penitents, which was to be in the following words: "By the authority of which I am poſſeſſed, I abſolve

Walter de Cantelupe proteſts againſt the pope's diſpenſation of Henry's oath with regard to the Oxford proviſions.

A general ſynod held at London by Ottobon the pope's legate.

Its canons.

Johnson's coll.

Ibid.

Henry de Wengham made biſhop of London.

Henry prevails with his ſubjects.



"solve thee from thy sins." The manner of receiving absolution is next prescribed, which was to be by express signs of humility and contrition. This a cotemporary canonist explains to be bare-headed and kneeling, or at least in a bending posture; which since has been improved into perpetually kneeling. The last part of this canon is praise-worthy: for it had been a common custom for jailors and others to make a perquisite of their prisoners, by forcing them to purchase the liberty of confessing, or keeping them entirely from it: "It is therefore decreed, That whoever should be guilty of this, was to be deprived of ecclesiastical burial, unless before his death he should make satisfaction to the prelate."

Ibid.

Ibid.

The third constitution, after repeating and confirming the first of Otho about the consecration of cathedral, conventual, and parochial churches, says, "That, that wholesome statute being contemned by many, it is ordained, That within a year after an unconsecrated church is built, the rector, governor, or vicar, may require the bishop to consecrate it, or the archdeacon to apply to the bishop for that purpose. If such vicar, rector, governor, or archdeacon, shall fail in making this request to the bishop, they are to be suspended from their office till they make it. If the fault shall lie on the bishop, unless he can have for his excuse the multitude of churches he has to consecrate in the diocese, or some other reasonable and lawful impediment, then he is to be suspended from that time forward, till he shall perform such consecration, from wearing his canonical robes; but in the act of consecration he is to resume them. The bishop farther is prohibited from taking any consideration, except due procuration, when he consecrates a church."

The fourth constitution seems to be levelled against the Norman laws, for obliging bishops to attend in the field in right of their baronies: for, after declaring that the sword of the spirit is all the armour of the church, the constitution proceeds to censure a flagrant crime, which was, the bearing arms along with highwaymen and robbers; though, perhaps, the legate by those meant no more by this expression, than those who durst oppose the pope's party in the field. All clerks who acted in this manner, and particularly those who plundered churches or cemeteries, are severely censured: "That whoever, being an ordained clerk, bears arms, or offends in the premises, does ipso facto incur excommunication; and unless he do, within a certain term fixed by the bishop, make satisfaction at the bishop's discretion, let him from that time be ipso facto deprived of every ecclesiastical benefice (which he holds) in the kingdom, and yet be liable to the loss of his order; and if he have no benefice, let him be incapable of obtaining any for five years, lest he go unpunished for so great wickedness; and let not his diocesan absolve him from his excommunication, till he have made

satisfaction to the premisses, at the diocesan's discretion." This constitution is new.

The fifth constitution confirms the fourteenth of Otho's about the clerical habit. It seems great abuses had crept into the church, in this respect, since Otho's time; and, to use the words of the constitution, very few clergymen wore the livery of Christ. It was therefore enjoined, "That all clergy-<sup>Ibid.</sup> men's habits should reach below the middle of their legs; that their hair should be cropped, so as to shew their ears; and that their tonsure should be plain and large, according to their several degrees. They were not to wear coifs in churches, nor before their prelates, and only on their travels. Priests, deans, archdeacons, and all having dignities with the cure of souls, were enjoined to wear close copes, excepting in cases of accident or necessity. Offenders were to incur suspension from their office, and, in case of contumacy, from their benefices; and before the suspension could be taken off by the diocesan, they were obliged to pay to the poor a sixth part of their yearly income. Archbishops and diocesans are strictly enjoined, under the pain of being debarred the use of dalmatic, tunic, and sandals, to execute this constitution."

The sixth constitution clashes, in the first part of it, with the civil authority, and is of itself entirely new. By it, all clergymen are debarred from temporal jurisdiction, or from having the title of justices, or of becoming the ministers of justice. This order reaches to all rectors of churches, perpetual vicars, and priests of all denominations. Those who had secular powers were to relinquish them within two months, and offenders were to be suspended from their office and benefice. Though this constitution carries with it a great air of self-denial, yet, in fact, it was calculated only for the pope's own purposes, to keep the clergy more dependent upon himself; for, in the end of it, there is a saving to the king's prerogative in those points. Now, as it has been always understood, that the government of England had a right to employ clergy as well as laity in temporal posts, this saving clause left the clergy at liberty to fill civil employments; and indeed, in that age, where the learning of the nation all centered in the clergy, it had been impossible for the government to have excluded them, without clogging the wheels of all business. Hence it was that chancellors and treasurers generally, and chief justices very often, were clerks; and all the subordinate officers to them were persons in holy orders. It is true, when a clerk, who was disagreeable to the court of Rome, was raised to any civil employment, the pope often took advantage of this, or some other constitution, prohibiting the clergy to meddle in temporal affairs; and the king, perhaps, was obliged to remove them; with so much art was the fabric of papal authority framed.

The next constitution is somewhat of the same nature; for it forbids clergymen from



exercising the office of advocates in secular courts, or in cases of blood, or to preside at any trials of that kind. Offenders to be suspended.

The eighth constitution confirms the sixteenth of Otho, against clergymen publicly keeping whores; and then adds penalties upon archdeacons and bishops who shall be remiss in enquiring after, and prosecuting, such persons. It is next provided, "That they who knowingly admit clergymen to commit sin in their houses, or hire or lend their houses to their concubines, if they are clerks, be punished in the same manner with the principals; if they are laymen, at the discretion of the bishop: And let the concubines, who are convicted by notoriety of the fact, or by any other lawful means, be wholly forbid entrance into a church during divine service, nor let the sacrament be given to her at Easter, since they eat and drink their own judgment who receive that unworthily. And because the convicted in adultery, either by the notoriety of the sin, or by confession, often flies into other parts to escape punishment, and to continue licentiously in his sin, we ordain, That if any one do thus run from one province of our legateship to another, the bishop into whose diocese he comes, or his official, at the mandate of the prelate in whose diocese or jurisdiction the refugee committed the offence, do effectually execute the sentence of excommunication before passed against him, till he return to salutary penance."

The ninth constitution confirms the tenth of Otho, against any admission into vicarages without going into priest's orders, and against pluralities and non-residences. But this constitution farther ordains, "That if, contrary thereto, any person keep a vicarage, he shall forthwith make restitution of the fruits of the same; one half for the use of the church to which the vicarage belongs, and the other half to be divided between the poor of that parish and the archdeacon. Archdeacons are likewise ordered to be very vigorous in executing this constitution. Vicarages, kept in contravention to it, are to be immediately denounced vacant; and the prelate is forthwith to proceed to institution, with penalties in case of failure. And it is likewise ordained, That if any one endeavour to retain a vicarage, contrary to the premises, and persists in his rebellion for a month, besides the punishments above inflicted, he be deprived of other benefices if he have any, and shall be for ever incapable of the vicarage which he so vexatiously retained, and for three years of other benefices of which he made himself incapable by his adulterous virulence."

The tenth constitution recapitulates and confirms the eleventh of Otho, which provides against the giving away benefices during an incumbent's absence, and upon a report of his death. But it is farther ordained by this constitution, "That for the future no ecclesiastical or secular patron present any

one to a church of which he has the advowson, unless he have probable notice of its vacancy; in which case, though he may present, lest prejudice be done by lapse of time, yet let the prelate to whom the institution belongs, not admit or institute the presented (clerk), unless he be assured of the death of the rector, or of the lawful vacancy by some other means. Let not assurance suffice in these cases; but the corporal presence of the dead, or resigning, or otherwise vacating man: or, if he be absent, let certain testimony be produced, by the letter of the bishop of the diocese in whose city or diocese he shall be reported to have died, or otherwise to have made his demise; or, at least, of some other authentic person, signed with one or more authentic seals; or by a public instrument; or by witness sworn, and beyond all exception not upon belief, but certain knowledge, according as the law requires." All undue institutions, by the same article, are to be void, even though it should appear that the church was vacant at the time of the institution; but when it shall appear that an incumbent is actually alive, and another in possession of his living, the prelate who instituted, as well as he who received the institution, are not only obliged to make restitution, but undergo church censures, till the rector be restored to the possession of his church. It is farther provided, "That if an intruder persist three months in his rebellion, he is to be forthwith deprived, ipso facto, of all the ecclesiastical preferments he holds in the kingdom."

These are the main provisions in this constitution, which, though it carries a plausible appearance of regard for the liberties of the English church, yet, in effect, it was calculated for encouraging those frequent applications in person to the court of Rome, from which the popes drew so great benefit: it was very politic, therefore, to make strict provision, that no clergyman, during his absence, might suffer on that account.

The eleventh constitution confirms the twelfth of Otho, against dividing a church into several parsonages or vicarages. But, by this constitution, it is farther provided, "That every such division, made before Otho's constitution, unless it was immemorial, and all that has been made since, as also the retainment or assignment of any portion of the profits of ecclesiastical benefices, which could not be done without simony, be wholly revoked by the diocesans of the places; and all such divisions, retainings, or assignment, made for the future, were declared null ipso jure. And, lest he who collates, presents, or admits several to the same church, should go unpunished, let the presenter or presenters lose the right of presenting at the next turn, which is to devolve to the next superior: but if a prelate have so collated or admitted such as were presented, or have retained to himself, or assigned to any other, a certain portion, absolutely or for a time, let not only his institution, retaining,



“ retaining, or assignment, be of no force;  
 “ but let him be ipso facto suspended from  
 “ collation, institution, or presentation to  
 “ any benefices, till he hath revoked it.”

The twelfth constitution has no regard to any of Otho's, and provides against the violation of sanctuaries, or the plunder of things deposited in holy places. This is prohibited under pain of excommunication, ipso facto, which is not to be taken off till satisfaction is made to the injured church, or holy place. If the offender, after excommunication, fails to make satisfaction, upon the monition of the diocesan, his lands are then to be put under ecclesiastical interdict; and if he has no lands of his own, then those of the lord, in whose lands he lives, are to undergo the like censure. Clergymen offending in this respect, are subjected to the privation of all the benefices in the kingdom; and if they have none, they are put under a disability of enjoying one for five years. The like censures are extended to all burners and breakers of churches. Farther, “ If any one, coming  
 “ to the houses, manors, granges, or other the  
 “ like places of archbishops, bishops, or o-  
 “ ther ecclesiastical persons, or belonging to  
 “ the churches themselves, do consume,  
 “ carry away, or lay hands upon any thing,  
 “ without the will or permission of the pro-  
 “ per owners, or of their deputies, let him  
 “ be ipso facto excommunicated; and not  
 “ absolved till he has made satisfaction.” It is likewise provided, that this statute, to make it the more public, be declared every Lord's-day, in all cathedral, collegiate, and other churches, by the chaplains and rectors thereof, in full congregation.

The thirteenth constitution takes notice, that the conjugal tie is not dissoluble by human authority, and provides against the performance of it being obstructed, when the parties are lawfully contracted in the face of the church. The commentator upon this constitution takes notice, that consummation is necessary for making a marriage complete; and that its not being dissoluble by human authority, is to be understood of marriage when consummated.

The fourteenth constitution has no reference to any of Otho's, and provides, “ That all laymen, who are executors, shall  
 “ first renounce the privileges of temporal  
 “ courts, before they are admitted to the  
 “ execution of any testament, and before  
 “ the will is presented to the ordinary, or  
 “ approved of by him. It is likewise or-  
 “ dained, that all executors, before admi-  
 “ nistration, exhibit an inventory of the  
 “ goods of the deceased before the bishop,  
 “ who is authorized to punish all failures of  
 “ this kind.”

The fifteenth constitution is likewise new, and provides against prelates seizing the profits of a vacant church, by the year, or any other space of time, unless they can plead a special privilege, or immemorial practice, for the same. Offenders to be suspended. It is likewise forbidden for prelates to make sequestrations of the fruits and profits of ecclesiastical benefices, unless special cases arise,

in which the customs and laws allow them. And all sequestrations made in other cases, and the sentences of excommunication, suspension and interdict passed upon such occasions, are declared to be void, and the prelate, who makes sequestrations, suspended from the use of the dalmatic, tunic, and sandals, till he has revoked them.

By the sixteenth article it is provided, “ That all chaplains officiating in chapels, Ibid.  
 “ erected without prejudice to the mother  
 “ church of the place, should give the ob-  
 “ lations and the other perquisites belonging  
 “ to that other church, to her rector, and  
 “ this under pain of suspension.”

By the seventeenth constitution it is provided, “ That the houses and buildings of Ibid.  
 “ benefices should be repaired and kept up,  
 “ at the expences of the incumbent, who  
 “ are to be admonished for that purpose by  
 “ their ordinary; but if they neglect their  
 “ reparations for two months after such ad-  
 “ monition, it is then lawful for the said or-  
 “ dinary to seize, out of the fruits of that  
 “ church or benefice, as much as is neces-  
 “ sary for making the repairs.” The chan-  
 cels of the churches are likewise to be repaired; and all archbishops, bishops, and superior clergy are solemnly charged to keep their own houses and edifices in good repair.

The eighteenth constitution is a kind of a supplement to the constitution of Otho, concerning archdeacons. It provides, “ That Ibid.  
 “ no prelate shall extort any procuration for  
 “ visitations, but where such visitations are  
 “ actually performed; and prelates offending  
 “ in this respect, are suspended from enter-  
 “ ing the said church, till they make satis-  
 “ faction.” The rest of this constitution is,  
 “ in substance, the same with the twentieth  
 “ of Otho.”

The nineteenth constitution, after recapitulating a part of the twentieth constitution of Otho, concerning the duty of archdeacons, confirms the same; and provides, by way of improvement of that statute, “ That arch- Ibid.  
 “ deacons take no money for any crime that  
 “ is mortal and notorious, or which may  
 “ occasion scandal; but punish it with a just  
 “ animadversion.” This constitution is formed for preventing the scandalous practice of archdeacons commuting the punishment of crimes for money.

The seventh constitution of Otho is confirmed by the twentieth, forbidding the farming of ecclesiastical dignities, or offices. It farther declares, That all obligations arising from such contracts shall be void, however it be strengthened, or by whatever authority or law; and that a third part of the profits of what is so let to farm be applied to the fabric of the cathedral church. The foresaid particulars to take place in all cases when a church is farmed by laymen, and in those cases when they are farmed by clergymen for above five years. It is likewise strictly forbidden to farm churches to their patrons.

The twenty-first constitution confirms the twenty-second of Otho, enjoining personal residence to bishops, especially on the solemn days in Lent and Advent, unless they  
 are



are obliged to absent themselves for some just cause. There is reason for believing that non-residence was too common a practice with the clergy at this time; for we find that, in the year 1264, as king Henry was upon a progress upon the borders of Wales, he found the see of Hereford not only destitute of its bishop, but of its dean and officials. Upon this he wrote a very sharp letter, charging that prelate to reside upon his bishopric; threatening, in case he did not, that he would seize into his own hands all his temporalities, since they had been settled upon the see, by his royal predecessors, only on condition that those who enjoyed them should promote religion. This was carrying matters with a pretty high hand, and Henry's conduct has been blamed by violent churchmen, who say, "That the revenues of the church being settled without any clause of revocation, he could not have seized them for mal-administration; and that he regularly ought to have applied, for redress, to the archbishop, or a provincial synod." But it is obvious that there was very little redress to be hoped from a judicature, where most, or all, of the judges were perhaps offenders in the same way; and that, if the civil power did not interpose, the church might, in a short time, have been intirely destitute of officiating pastors, because they were under no dread of a check.

Ibid.

The twenty-second constitution provides, "That no bishop shall appropriate a church to another, but through some motive of piety, as when the party is extremely poor; otherwise such appropriation is to be invalid." It then provides, "That vicars shall be appointed, with a sufficient maintenance, and that within six months, by the religious who have churches, otherwise the diocesans ought to take care to do it." All who have churches are likewise enjoined to build houses in the parishes, or to rebuild and preserve those already built, for the decent reception of visitors.

The sum of the twenty-third constitution is, "That the goods of those who die intestate be according to the provision of the English prelates, approved of by the king and parliament, and applied to pious uses." But we are in the dark as to the particular act to which this constitution refers. As it was clearly parliamentary, it possibly might have passed in a former reign, and have been since lost. But, under Edward I, many years after this synod, a statute passed, which runs thus: "Whereas, after the death of a person dying intestate, which is bound unto some other for debt, the goods come to the ordinary to be disposed; the ordinary, from henceforth, shall be bound to answer the debts, as far forth as the goods of the dead will extend, in such sort as the executors of the same party should have been bounden, if he had made a testament."

Collier.

The twenty-fourth constitution provides against delegating causes to any but dignitaries; but the commentary upon this institu-

tion declares, that it was not in force in his time.

The twenty-fifth confirms the twenty-sixth constitution of Otho; and adds, "That when a judge sends out summonses after an absent man, he commit the execution of it to the dean of the place, or to some certain person; and let him, to whom it is committed, when he hath faithfully executed it, certify the citation according to the form of the statute. Let no credit be given to a citation made in any other manner; nor let any punishment be inflicted on him who is said to have been cited."

The twenty-sixth constitution, in consequence of the twenty-ninth of Otho, provides, "That whoever would be promoted to the office of an advocate, should give oath, before the diocesan in whose jurisdiction he was either by birth or habitation, that, in the causes he undertakes, he will perform the part of a faithful patron. And farther, that no advocate be allowed to undertake a cause before he produces a letter from his diocesan, certifying that he has taken such an oath, or else takes the oath a-new."

The twenty-seventh constitution confirms the twenty-first of Otho; for it prohibited ecclesiastical officers from hindering parties making up their quarrels. And moreover ordains, "That if any one, for the future, takes any thing for obstructing of the peace, he be by all means bound to restore it to him that gave it, and give as much in alms to the poor; or else let him be excommunicated, from the time he committed the crime, till he make restitution, as is aforesaid."

By the twenty-eighth it is ordained, "That when any one is released from the sentence of excommunication, suspension, or interdict, some body be commanded to notify the release at proper times and places."

The twenty-ninth constitution, after a pompous and vehement declamation against pluralities without dispensation from the holy see, enforces the twelfth and thirteenth constitutions of Otho against pluralities and non-residence; and farther recommends, That prelates should diligently enquire into all crimes of this kind; archdeacons were to do the same; and severely punish them. And all clerks, presented to livings, were to be diligently examined as to their lives and morals, or whether they have other parsonages or benefices, with cure of souls, without a proper dispensation, which unless it be exhibited to the prelate within such a time, is not afterwards to be admitted of. When it is exhibited, it is to be very carefully examined, whether, by virtue of it, he may obtain another benefice, or other benefices, with those which he already hath; or if he find that he hath, or had, several benefices, with cure, without dispensation, let him by no means be admitted to that which is now in dispute. The same is to be observed, if the dispensation, when exhibited does not extend



tend to benefices to be hereafter obtained, but already obtained, unless, in this case, the person instituted take a corporal oath, that, when he hath possession of the benefice to which he is now instituted, relinquishing the other benefices which he had before, he will not at all meddle with them from that time forward, by himself, or by any other; and, if he do, let him know, that he is, beside the blemish of perjury, ipso jure deprived of whatever benefices he had, or might have had. Proper notice is likewise to be given, by the institutor of those who are regularly instituted, to the bishops of those dioceses where their other benefices lie, that they may be provided for; and if the person instituted shall be found to prevaricate, in not making the proper discovery of his other benefices, he is to be subject to ecclesiastical censure; as is the prelate himself, if he does not conform himself strictly to this constitution.

hath a benefice, with cure; and that more churches than one be given to no one in commendam. And bishops granting commendams, in contravention of this constitution, shall be ipso facto suspended from collating or presenting to any benefices till they revoke the same.

The thirty-first constitution is supplementary of those against pluralities; and particularly provides, "That, before any bishop is confirmed, strict enquiry be held whether he has obtained more benefices than one, that are incompatible with the canons." And this is said to be in order to correct the ignorance, neglect, and dissimulation which happens in the confirmation of bishops elect. From the last circumstance we may see how contemptuously the English prelates were treated by this haughty legate, and how little they were consulted in forming these constitutions.

By the thirty-second article it is provided, "That if a candidate for a bishopric shall resign one or more benefices, in hopes of being chosen, the same shall not be restored to him, in case he fails; neither shall they be given him by any new act, but immediately disposed of to others, as vacancies. All offenders who shall yield to, or connive at, such restitutions, if bishops, are to be suspended from wearing their pontifical habits, if inferiors, from their office."

The thirty-third constitution revokes all previous bargains made between the patron and the presented, to be fulfilled by the latter out of the goods of the church. All such compacts are decreed to be void; and all annuities paid out of the parish churches are revoked, unless the person receiving them is warranted by law, or immemorial custom.

By the thirty-fourth constitution, it is forbidden, throughout all England, Scotland, and Ireland, to hold any market, or transact any business in churches.

The thirty-fifth constitution establishes a public procession, to be held on the morrow after the octaves of Pentecost, by way of thanksgiving for the restoring peace, and intercession for the recovery of the Holy Land.

By the thirty-sixth and last constitution, it is decreed, "That all archbishops and bishops should enforce obedience to the constitutions of the holy church; and that every one of them should procure a copy of the above constitutions, in order to be yearly read in their churches."

Having thus given the reader a more distinct view of the polity of the English church than can be met with elsewhere, I shall close this division of the work with some account of the learned ecclesiastics, particularly the historians not yet taken notice of, who lived within this period.

The first, and most early I shall make mention of, is Florence the monk of Worcester. This writer composed a chronicle of the world, from its beginning to the year 1118. In a great measure he transcribed, or at least epitomized, the large chronicle of Marinus, whom

Account of Florence of Worcester.

Commendams,  
how introduced,

and what it means.

The thirtieth declares very strongly against the practice of commendams, which term it is necessary to explain here. It appears to have taken its rise upon the irruption of the northern nations, when either public calamities, or natural death deprived churches of their pastors. It often happened, in those cases, that the same commotions prevented those who had a right to present to the vacant churches from providing proper incumbents. It was therefore found necessary for the principal prelates of a province, in case that a diocesan was wanting, to recommend the see to the most eminent clergyman they could think on, till, the obstructions being removed, an ordinary should be duly and canonically appointed. In like manner, in vacancies of parochial churches, the bishops and priests used to supply them by commending to some clergymen of reputation. But this expedient came to degenerate so much from its primitive institution, that it was found necessary to make canons that the commendam should not last above six months; and that the person commended should not receive the profits of the benefice of such vacancies. The popes, however, themselves often set aside those canons, and commended for tenor of life, assigning all the profits of the benefice to the commendatory.

Now, by this constitution, an attempt is made to regulate those abuses, especially when many benefices are commended to one person. All commendams of churches are thereby revoked, and decreed to be null, unless the commendam were made for the advantage of the church, and of one only; commanding them to whom the collation or presentation of them belongs, to collate or present to them within two months after the publication of this institution, or else that the collation of them devolve to the archiepiscopal see. And all commendams of churches, for the future, were forbidden, unless a just and lawful cause require it to be done. And, to prevent all tricks and fallacies, it is ordained, that no church be taken in commendam for above a year by any one that



whom he calls the author of his chronicle, forgetting that he was speaking in his own person. His performance is chiefly valuable for the distinctness of its chronology, and for the judicious assistance he has derived from the Saxon chronicle and other authors. And though his style is not very polished, yet he is free of many gross absurdities, which abound in the works of authors of much more genius. Bale calls him Florentius Bavonius, and gives him an extraordinary character for parts and learning, telling us, that he died in the year 1119.

His death.

Alured of Beverly.

Cotemporary with him, was Alured, or Alfred, a priest, and treasurer of the college of Beverly. This author, according to Pitts, was born in the north of England, and educated at Cambridge. He himself informs us, that he began his history during the difference between Henry I, and archbishop Anselm, and that the study of the British history at that time began to be so fashionable, that whoever was ignorant of it was reckoned a clown. It is remarkable, that, in the preface to his work, though he professes to have made deflorations from the British history, yet he does not once name Geoffrey of Monmouth. Add to this, that we find many things in Alured, which are omitted in Geoffrey. His industry in collecting from authors of undoubted credit, is much more judicious, and his relations far from being so incredible; and he tells us, that the deflorations he had made were such as did not exceed credibility, and were most agreeable to other approved authors. He likewise informs us, that several authors after Bede, having diligently collected the history of Britain, he had graced his works with the most curious excerpts from them. Upon the whole, it does by no means appear, that Geoffrey of Monmouth's history was the only assistance which Alured had: nor indeed does it appear that Alured had not composed his history before Geoffrey did his; but, of this, I can say nothing decisive, unless, which it is hard to do, we could fix the precise time when both authors wrote. It is, however, generally agreed, that Alured died in the year 1136; which, if true, makes the presumption strong that he wrote more early than Geoffrey of Monmouth. As to our author's talents, his preface to his history has with it an air of modesty not void of elegance; but he has suffered miserably from ignorant transcribers.

His death.

Eadmer.

Of Eadmerus we have already spoken. He was an author of sense and gravity, and we are obliged to Mr. Selden for the publication of his history of the two Williams and Henry I. Though his professed design was only to treat of ecclesiastical affairs, yet these were so intermixed with civil, that it appears equally instructive as to both. But Mr. Selden perhaps is too partial, when he says that his style is equal to that of Malmesbury. His intimate connection with, and dependance upon, Anselm, with the great credit he was in with his cotemporaries, sufficiently qualified him for the work he undertook, which is executed with more impartiality than could have been expected from one so

nearly interested in supporting the papal authority.

William of Malmesbury would have been an historian inferior to none in antiquity, for the boldness of his sentiments, the beauty of style, and knowledge of mankind, had it not been for the barbarity of the age he lived in. His chief work was that *De Gestis Anglorum*, "concerning the actions of the English," in five books, with two supplementary ones, which he calls the *Historiarum Novellæ*. His great patron was Robert, the famous earl of Gloucester, of whom we have treated so fully in the lives of Henry I. and king Stephen. From this nobleman, who was himself a very good scholar, he had great assistance. Malmesbury pays his patron several very fine compliments upon the protection and assistance he afforded to learned men; and, in the preface to his work, he says, that as to all the latter facts he has transmitted, he either was eye-witness to them, or had his information from persons of undoubted authority; but it is plain that he never heard of, or had a very contemptible opinion of, Geoffrey of Monmouth's history.

Simeon was a monk and preceptor of Durham, and eminent, according to Leland, for his indefatigable pains in enquiring after, and collecting, the principal monuments of learning which had survived the Danish wars. He is placed, by the same author, among the most learned monks of that age; but his work concerning the actions of the English kings are very indifferent evidences of this character. It is, for the most part, collected from Florence of Worcester; but Mr. Selden, in his preface to the publication of Simeon's history, is not so just as to own that he has many valuable particulars with regard to the kingdom of Northumberland, not to be met with elsewhere. Mr. Tyrrel likewise is unjust, both to Simeon and Mr. Selden; for he says the latter tells us, that Simeon owed his history of the English transactions to Turgot, a monk of Durham, and afterwards bishop of St. Andrew's in Scotland. But the work which Mr. Selden ascribes to that prelate is not Simeon's civil history, but that of the church of Durham; and Mr. Selden is unquestionably in the right. Simeon's history reaches no farther than 1129, and he himself flourished in the reigns of Henry I. and Stephen.

Simeon of Durham.

The author of the *Chronicle of Melros* comes next under this division; he was abbot of Dundrainnon; though it certainly was continued by several hands. The author I take to have been an Englishman, and a domestic to Walter the first Stuart of Scotland, according to Sir James Dalrymple. This chronicle contains many curious particulars relating to the kingdom of Northumberland.

Author of the Chronicle of Melros.

To what I have already mentioned of Henry of Huntingdon, we are to add, that he passed some part of his life at Rome, and that his work is very faulty in point of method, as well as many stories he has borrowed from Geoffrey of Monmouth. He lived under Henry I. and king Stephen, to

the



the end of whose reign he has brought his history.

Ealred abbot of Rievaulx.

Ealred abbot of Rievaulx, or Rievesby, in Lincolnshire, according to Mr. Selden, sometimes called Æthelred, or Alred, was likewise an historian of great note in his time. Though perhaps he was an Englishman, yet, according to Leland, he happened to have his education in Scotland, along with prince Henry, son to king David, of whom we have already spoken. He was in high reputation among the great men of his time, and the author of a Life of Edward the Confessor, with the history of the battle of the Standard, and a genealogy of the kings of England; all which have been published in the collections of the ten English writers. According to the best authorities, he died about the year 1166.

See p. 470.

William of Newburgh.

It was to this Ealred that William, a monk of Newburgh, commonly called Gulielmus Newbrigenfis, an elegant writer for that age, dedicated his history, which ended in the year 1197. This writer was the first who openly attacked Geoffrey of Monmouth, whose performances he treats as a mere romance. Though his sentiments are not of themselves conclusive that Geoffrey's work is so; yet we may, from them, safely conclude, that they were looked upon, in that age, as very bold and new. But we are informed, by Dr. Powel, that this William of Newburgh entertained an invincible hatred to all the Welsh nation, on account of a disappointment he met with, in not succeeding Geoffrey to the see of St. Asaph. This historian is said to have been alive in the year 1220.

John prior of Hexham.

Simeon of Durham's history was continued by John prior of Hexham, from the year 1129 to the year 1154. This prior is said to have been alive under Richard I. He is a much better author, and seems to have been better informed, than Simeon of Durham.

Richard prior of Hexham.

Richard prior of Hexham ought likewise to have a place here. Among other things, he wrote the history of king Stephen's reign, and the war of the Standard, in which he introduces several particulars, not to be met with in other historians.

Ralph de Diceto, dean of St. Paul's.

The next author that falls in my way, is Ralph de Diceto, dean of St. Paul's at London, who lived in king John's time, about the year 1210. That this author was in great reputation under Edward I, appears from that prince appealing to his works for establishing his supremacy over Scotland. He wrote a chronological account of the British kings, continued from Brute to Cadwallader, and from Hengist to Harold. In this chronicle, which is published by Dr. Gale, he refers, in the first paragraph, to Geoffrey of Monmouth, as he does in several other particulars; but there is one Brome, who is with him a capital author, and whom he likewise quotes. Bishop Nicholson is too severe upon him, when he says, that this chronicle seems to be entirely transcribed from Brome; for, in those passages not transcribed, and which are many more than those

that are, his narrative is far from being injudicious; and he is generally consistent with the Roman historians, in those passages which they touch, and which their history is concerned in. He is very modest on the story of Arthur; and, at the end of his chronicle, there is an account, though by an uncertain hand, of the division of England into bishoprics, counties and kingdoms, in the time of Egbert, king of the West Saxons. Diceto was likewise author of Chronological Abbreviations, which chiefly relate to church matters, down to the conquest; and the Imagines Historiarum, or Images of History, which are no other than historical hints, in which there is a long wild digression concerning wars between fathers and sons in all ages, and in all countries, occasioned by the differences between Henry II. and his sons; the whole ending with an interview between John king of England and the king of France, in the year 1199.

Our history, for the times of which he treats, is greatly obliged to Roger Hoveden, who lived under Henry II, and was perhaps his chaplain. His annals begin with the year 732, and are continued down to the reign of king John. In the former part of his history, he borrows from others, particularly Simeon of Durham, in the same manner as Simeon and other writers did from former authorities. Mr. Selden very generously remarks, that Leland having censured Hoveden for being the plagiarist of Simeon, it had become, in his time, a common opinion with superficial men, to look upon the one work as little better than a transcript of the other: "But, says he, no-

Roger Hoveden.

thing can be more unjust than this; for whoever shall look into Hoveden's work, will find an infinite number of passages, which are wanting in that of Simeon; and, in like manner, many things in that of Simeon, which are wanting in Hoveden.

Selden in Prefat. ad Decem Scriptores.

Thus, continues he, Hoveden is not to be looked upon as a plagiarist with regard to Simeon, but an accurate writer, who compiled a useful, careful work from former writers, of whom Simeon was one."

And, indeed, though Hoveden has suffered greatly, not only by the transcribers, but by the printer; yet there are, in his work, (bating the confusion he sometimes falls in) very excellent materials for the civil as well as ecclesiastical history of the times; and his stile, though not elegant, is peculiarly intelligible.

We know very little of John Brompton, other than that he was abbot of Scorewal, in Richmondshire; and that he made a present to his abbey of a chronicle, which, from that circumstance, bears his name, and begins with the year 588, and ends with the death of Richard I, in the year 1198. What this work is chiefly valuable for is, the large collection he has made of the Anglo-Saxon history, which, notwithstanding the inaccuracy of transcribers, and sometimes the ignorance of the collector, agrees so well with our most authentic records, that it deservedly has great weight. Some things must be owned,

John Brompton.



owned, though not a great many, are romantic and improbable; but this was in common to the writers of that age. He is justly blamed for his negligence in chronology.

John Wallingford.

Many valuable particulars relating to the northern history, not elsewhere occurring, are to be met with in a short chronicle of the Saxon and Danish times, published by Dr. Gale, under the name of John Wallingford, whom he supposes to have been the twenty-first abbot of St. Albans; but archbishop Nicolson, I think with great reason, refers this history to a succeeding John Wallingford, an abbot of St. Albans too. And indeed, according to the account which Matthew Paris gives us of the twenty-first abbot of St. Albans, it is very unlikely that a man of his recluse, simple turn of life, should be the author of a work which must have cost him considerable researches: add to this, that this abbot is not named Wallingford by Paris, but Joannes de Cella, which he says is a place near a village they call Stodham, I suppose in Oxfordshire; and we know no reason for his being called Wallingford, but that he was prior of that convent. Dr. Gale says he never saw any copy of this chronicle, which was miserably defaced and mutilated, and in the Cotton library. He likewise supposes him to have been a celebrated poet for that time.

Gervase of Canterbury.

Gervase, the monk of Canterbury, was alive under king John, in the year 1200. He is celebrated by Leland for his prodigious application to matters of antiquity, especially the British and Saxon. According to the same author, he composed a large historical work, containing an account of the Britons, Saxons, and Normans, from their original to the reign of king John: to which is annexed a description of the divisions of old Britain, with its episcopal seats and monasteries. This work is, I believe, now lost, though perhaps not irrecoverably; and, if we may judge from that part of it which remains, containing the reigns of Stephen, Henry, and Richard, the whole must have been very valuable. Mr. Selden has been at great pains to explain a passage in this writer from his favourite author Eadmer. It relates to a famous south door in the old church of Canterbury, called Suthdore, which he says is often mentioned in the ancient laws and records of the kingdom, and where all law-suits might have been as legally determined as in the king's court: nay, that they were often determined there, after they had gone through all the inferior courts in the kingdom, even the king's court. The learned antiquary, after a profusion of reading and conjectures, thinks, that the passage which Gervase refers to, must have been taken from Eadmer's life of Wilfrid, which he had never seen. He likewise supposes, that, by the ancient laws and records of the kingdom, is meant no more than certain rolls, or year-books, which might formerly be in use, though now lost; and that there might have been a kind of college within the monastery, for the study of the laws. There

can be very little room to doubt of this last particular, when, to the reasons advanced by the learned antiquary, we add the great pains which the church of Rome was at, after the conquest, to divert priests and religious of all kinds from the study of the law, as may be seen from some of the above constitutions. Besides, under the Anglo-Saxons, it is plain there was such a thing as the priests law; for, by the sixteenth canon or excretion of Egbert archbishop of York, it is provided, that no priest sue in the secular court, relinquishing his own law. In short, it was, in effect, the pope's canon law, which came in but late, that deprived the archbishops and great prelates of almost as extensive a power as the civil authority itself possessed. Nay, so jealous were they, in the year 950, of this power, that we find one of the laws of the Northumbrian priests to have been, that every priest should find twelve bondsmen for rightly observing the priests laws.

But the shining light of the English history, at this time, was Matthew Paris. He lived in the reign of Henry III, and was a monk of St. Albans. His work, which is called his larger history, begins with the Conqueror, and is carried on to 1299, the year of the author's death; after which, it is continued to the end of Henry III's reign, by William Rishanger, a monk of the same fraternity.

Matthew Paris.  
William Rishanger, his continuator.

We are told, by Leland, that though his name was Paris, yet he was an Englishman by birth, Paris being an old English name. He was, by profession, a Benedictine monk; and Bale informs us, that no painter ever drew a portrait more truly, than he did the avarice, the frauds, the lies, the deceits, the luxury, impudence, tyranny, and wickedness of the Roman pontiffs. Leland says, that our author was in so great reputation for his virtue, that he was sent by pope Innocent to Norway, to reform the monks of Holme, who were greatly degenerated. After acquitting himself very well in this commission, he returned to his monastery at St. Albans, where he grew so eminent, that he was honoured not only with the intimacy of the greatest subjects in England, but with particular distinctions of favour from Henry III. Besides his history, he composed the lives of twenty-three abbots of St. Albans, which have come to our hands; and which, in its spirit and manner, is so like the history which bears his name, that it goes far to overthrow all the exceptions against his being its author. Archbishop Nicolson says, "That others will needs affirm, that Paris himself had a very small hand in the whole, having only begun at the year 1235, the rest being done to his hand by one Roger de Windleshore, or Windsor (the MS. copy of his history, in Cotton's library, Rogerus Wendovre de Wendover, prior de Bealvair) one of the predecessors in the same monastery. Before that time, they tell us, there are only few interpolations of Paris's, who, for some reasons best known to himself, did not break off at the year 1250, as appears he designed, but



“ but continued writing to his death. The  
 “ author, whoever he was, did certainly  
 “ begin his chronicle at the creation; tho’  
 “ we now have lost all that went before the  
 “ conquest, unless, as the publisher of him  
 “ guesses, that which now goes under the  
 “ name of Mathew of Westminster, be in  
 “ reality the true works of Matthew Paris.  
 “ This undoubtedly is as much the offspring  
 “ of Roger de Wendover, as that following  
 “ part now published is the genuine work of  
 “ Matthew Paris, as will sufficiently appear  
 “ to any who shall take the pains to consult  
 “ the above-mentioned manuscript copy.”  
 But there is no proof at all of this Wendover  
 having been the author of the first part of  
 Paris’s history. His work is not only the  
 best and fairest account of any period we have  
 in the English history; but the best history  
 we have, at that time, of Europe, and ap-  
 pealed to as such by all foreign writers.  
 Henry had him in so great esteem, that he  
 retained him about his person, to take down  
 the transactions that passed in his presence.  
 He sometimes instructed him in what was  
 passing; he entertained him with bed, board,  
 and lodging; and even gave him a favourable  
 ear when he interceded for the university of  
 Oxford, which had fallen under the royal  
 displeasure. Mathew, on his part, deserved  
 all this favour, by his abilities, and the great

freedom he took in reprimanding what was  
 amiss in the government, or even about the  
 king’s own person. His history is in manu-  
 script, in the king’s library at St. James’s,  
 and is the very same copy of which he made  
 a present to his abbey of St. Alban’s.

In the reign of Henry III. lived likewise <sup>Nicholas Tri-</sup>  
 Nicholas Trivet, prior to a monastery of <sup>vet.</sup>  
 Dominican friars in London, and son to Sir  
 Thomas Trivet, one of the justices itinerant  
 under king Henry III. This friar wrote a  
 general history of Europe, beginning with  
 king Stephen, and continued down to the  
 year 1307. His work is chiefly valuable for  
 its accurate synchronism, he having, at the  
 beginning of every year, a table of the year  
 of God, of the year of the popes, the em-  
 perors, the king of France, and the king of  
 England’s reigns. He is particularly noted  
 for his being, in general, a sure historian,  
 though somewhat too concise.

To conclude this short sketch of our Eng-  
 lish historians, I shall only observe, that how-  
 ever defective and credulous they may be in  
 some respects; yet no nation in Europe, for  
 the first thirteen hundred years after Christi-  
 anity, can shew such a number of historians,  
 in so short a period of time, as that I have  
 last described, equally eminent for the copi-  
 ousness of matter, the fidelity of relation,  
 and the beauty of diction.

END OF THE FIFTH BOOK.



A

# GENERAL HISTORY

O F

# ENGLAND.

## BOOK VI.

From the death of HENRY III, to the death of EDWARD III; containing a period of one hundred and five years.

### 9. EDWARD (the first of that name since the Conquest) surnamed LONG-SHANKS.

A. D. 1272.  
Edward's expedition to the Holy Land.

**T**HIS great prince, having embarked at Portsmouth in the year 1270, landed in France, and proceeded to his own estate in Gascony; where the princess Eleonora, that illustrious pattern of conjugal fidelity, and more than female fortitude, waited to receive him. The rendezvous of the fleet was ordered to be at Aigues Mortes, for which place the royal pair set out; but, when they came thither, they found the whole scheme of the expedition defeated by a combination of bigotry and interest, falsehood and credulity. The occasion was as follows:—

The artful policy of Charles king of Sicily.

The king of Sicily, brother to Lewis king of France, was a prince as artful and designing as his brother was generous and pious. Having won the crown of Sicily from Manfred, who had been strongly supported by the Italian Saracens, assisted by those of Africa; and being engaged with Lewis in the crusade, he became apprehensive of the peace of his dominions during his absence. He knew that the Italian Saracens, in case of any commotion, would be ready to oppose him; and that they would be sure of a powerful support from the king of Tunis. He either had, or pretended to have, causes of discontent with that Mahometan prince, for the latter having refused to pay him an an-

nual tribute. He urged, that this tribute had been paid to the former kings of Sicily; but the Mahometan excused himself on pretence of that prince being emperor and king of Sicily at the same time, and that the tribute in question was paid him in the former quality. This refusal alarmed Charles king of Sicily: he represented to his brother of France the danger of leaving his dominions exposed to Saracen insults, and the great advantages that would arise to the common cause, could Tunis be reduced by Christian arms. Lewis, perhaps, would have disregarded these representations; but the crafty Saracen, to prevent the confederacy of the two crowns against him, had secretly amused Lewis with the hopes of his turning Christian, if he could be protected from the resentment of his subjects. But he was caught in his own artifice. Lewis, sincere himself, thought the Saracen sincere: he imagined, that no sooner would he appear before Tunis with an army, than that prince would declare himself a Christian. Thus, probably without having much regard to his brother's interest, he agreed to sail for Tunis before they set out for the Holy Land. The success was answerable to the wise scheme of this king. The tribute was paid, but the convert was lost; and the prince of England, having

A. D. 1272.





KING EDWARD THE I.<sup>st</sup>

H. Lutterell delin.

P. Ponderbancs Sculp.







**A. D. 1272.** having left his fleet in Sicily, found the crusaders encamped near Tunis, after making a peace with the Mahometan prince, distressed by the epidemical diseases of fluxes and fevers, and parched up by the sultry heat of the country and the want of water.

He could not help representing the expedition to Tunis as a kind of a breach of concert; but the evil was too late to be remedied. The king of France himself was swept off by the rage of the distempers, in the fifty-fifth year of his age; and Edward was wise enough to ask leave from the king of Sicily to winter in his dominions. This request was granted with great politeness; and letters, both in French and Latin, for safe conduct and magnificent reception, were sent by Charles from Afric, in favour of the prince and princess royal of England.

Lewis king of France dies before Tunis.

It was easy for Edward to perceive, that no hopes of success remained from the crusade. The king of Sicily at first grew cold, then indifferent, and at last unwilling, to proceed. The young king of France made the best of his way back to his own dominions, and a storm arising, great part of their fleet was wrecked. But prince Edward, determined to fulfil his engagements, though unavailing to all purposes but those of establishing the character of preserved faith, and acquiring unprofitable glory, persisted in his resolution of not disappointing the hopes of Europe, and of England in particular, which were now centered in him. All winter, the severity of the season did not discourage him from exercising his ships, and fitting his men for conquest. Some of his generals representing to him the inutility of his intended expedition, and the small prospect there was of success, he smote his breast, and swore by the blood of God, That if all mankind beside should desert him, yet he would proceed to Acon, were he attended only by Fowen his groom.

Prince Edward arrives at Acon;

About the middle of Lent, in the year 1271, prince Edward went on shipboard with his small train, which, according to Walter Hemingford, did not exceed above a thousand men, but those chosen and approved soldiers, and set sail for Acon, which was then threatened with a siege, and threw himself into that city about four days before it was to have been formed. The Saracens, daunted by the remembrance of the great Richard's actions, and the arrival of a prince of his blood, who had given early proofs of equal courage, but superior virtue, not only withdrew their troops, which had already assaulted some of the suburbs of the city; but left Edward at perfect liberty to refresh his soldiers, tired with the fatigues of the voyage. His high reputation soon swelled his small handful to seven thousand men, all Christians; and Edward, disdainful of idleness, marched out and attacked Nazareth, which lay about twenty leagues from Acon. Hav-

ing made himself master of this place, he was attacked in his return to Acon, at a very disadvantageous pass, by an ambuscade of the Saracens, whom he forced to retire with a considerable loss. Being returned to Acon, his next expedition was to Cakcow, about fifteen miles distant from Acon. Thither he and Cakcow, marched so secretly, at the head of his troops, that before day-break he attacked the main body of the army, killed a thousand, put the rest to flight, and seized a large booty. Having passed the night after that engagement at the Castle of Pilgrims, he returned next day to Acon; and, about the beginning of August next, undertook to attack the Saracens at St. George's, where he beat them, and once more returned back to Acon.

**A. D. 1272.** Takes Nazareth,

But those vigorous actions had a sphere too narrow to confine the active courage of Edward. He wrote to the government of Cyprus, which had been in vain applied to [Hemingford.] by the king of Jerusalem for the same purpose, desiring them to send him some succours, that he might be able to extend his conquests. The Cyprians granted to the grand nephew of Richard what they had denied to the successor of Godfrey, and, according to my author, sent him considerable supplies, with this compliment, That they should think themselves obliged always to obey the royal family of England, which had once been their masters.

Receives supplies from the Cyprians.

The Saracens, seeing so many noble specimens of Edward's success with but a handful, now grew jealous of the consequence, should he be placed at the head of an army; their chief men, therefore, execrably contrived to dispatch Edward by treachery. For this purpose, one of the devoted enthusiasts, we have already mentioned in the life of Richard, was employed by the governor of Joppa, as it were, to manage a secret negotiation. The fellow having several times passed and repassed, the prince's servants one day searched him with less precaution than usual. He delivered his letters to Edward, who in a loose dress, unarmed and bare-headed, was enjoying the cool by a window. The assassin, after performing his commission, next entertained the prince with some plausible accounts of his master's intentions to pay him a visit: but, during the conversation, spying his opportunity, he drew an envenomed dagger from under his girdle, and aimed it at Edward's heart, who being quick enough to ward the blow, received a wound in his arm; then striking the villain, who was about to repeat the stroke, on the breast with his foot, he beat him to the ground; but, in wrenching the dagger out of his hand, received another slight wound in the forehead, which provoked him so much, that he dispatched the assassin (1). The prince's wounds were attended with very dangerous consequences; but his cure at last was effected, chiefly through the

The treachery of the Saracens.

See p. 589.

Prince Edward dangerously wounded with a poisonous dagger;

but recovers.

(1) Whereupon his servants, who it seems were not then present, came running in, and one of them (his musician) being in a great rage and fright, took up the stool, and struck the dead man's head with that force, that he beat out his brains; for which the prince severely reproved him, as he had good reason. Tyrrel, vol. iii. fol. 1094.



A. D. 1272. cares of his affectionate wife (1), or the skill of an English surgeon.

But, notwithstanding Edward's recovery, he found that a general damp was now thrown upon the crusaders, and that it was in vain for him to think of proceeding. He had done enough for justice, enough for glory. The sultan of Babylon sent ambassadors, solemnly disclaiming, in his name, any knowledge of the assassination, and Edward seemed to give them credence; but was far from being satisfied that their master was not privy to the attempt. Mean while the princess Eleanor was brought to bed of a daughter, who, from the place of her nativity, had afterwards the name of Joan of Acon, or Acres.

Joan of Acres born.

It was now high time for Edward to provide for his own safety, and that of his few followers who remained. He had hitherto retained some faint hopes of supplies from Europe, from France particularly, as soon as her new king had settled his affairs; but having now lost all hopes of that kind, and receiving daily accounts of his father's decline of health, and inability to assist him, he found that his longer stay would be not only ineffectual, but fatal. He, therefore, lent an ear to the propositions of the sultan of Babylon, and, after some negotiations, a truce between them was concluded for ten years, ten weeks, and ten days.

Prince Edward makes a ten years truce with the sultan of Babylon.

Edward's safe and honourable retreat from this hopeless expedition was a glorious proof of his courage and conduct; and how willing the Saracens, with all the advantages of numbers, and of whatever could make war successful, were to be rid of his presence. He

embarked at Acon about the middle of August, and the first place he touched at was Trepani, in Sicily. There he was received with great demonstrations of respect and affection by the king of that island; and there he was first informed of the death of his father and son. For the last, he shewed becoming tenderness; but for the first, immoderate affliction. Charles, endeavouring to comfort him from the topics common on those occasions, could not help hinting that it was surprizing he should be so indifferent about the loss of an only son, and so affected with that of a father, by whom he succeeded to a great kingdom, and whose death, in nature's course, could be no surprize. But Edward answered him with uncommon piety: "Sir, said he, the loss of a son is trifling, because repairable; but never can the loss of a parent be repaired." Having paid his tribute of grief to one part of his family, he next applied himself to pay that of justice to another. The blood of his cousin, prince Henry, called aloud for vengeance. Edward, therefore, passed from Trepani to Messina, where he took his leave of the Sicilian court, which had done him vast honours, and embarked for Italy. Being landed there, he marched through Naples to Rome, and had an interview at Viterbo with pope Gregory. To him he complained of the foul murder, committed by the Montforts and their accomplice Aldobrandus, upon his cousin prince Henry, and obtained from him sentence of excommunication against all concerned in that fact. Receiving daily accounts how necessary his presence was in England, he set

A. D. 1272. Arrives in Sicily,

and hears of the death of his father and son.

See p. 718.

(1) I am sorry that, for the honour of the fair sex, I cannot admit into the body of this history the celebrated story of prince Edward's being cured by his princess Eleanor sucking the venom out of his wounds: however, as it has had the countenance of Mr. Camden, I am far from rejecting it; especially as that great antiquary quotes for his authority an author of that time, Roderic archbishop of Toledo. It is true, that this passage is not to be found in that archbishop's work, which was finished about twenty years before this accident happened; but, as it is possible, nay probable, that Mr. Camden met with the story in some other work of that archbishop's, the passage which he quotes ought not here to be suppressed. 'Hard by Whitehall, near the Mause, there stands a monument which king Edward I. erected in memory of queen Eleanor, the dearest husband to the most loving wife, whose tender affection will stand upon record, and be an example to all posterity. She was daughter of Ferdinand III. king of Castile, and married to Edward I. king of England, with whom she went into the Holy Land. When her husband was treacherously wounded (the following, says Camden, are the words of Rodericus Toletanus) "by a Moor, with a poisonous sword, and rather grew worse than received any ease by what the physicians applied, she found out a remedy, as new and unheard-of, as full of love and endearment. For, by reason of the malignity of the poison, her husband's wounds could not be closed; but she licked them daily with her own tongue, and sucked out the venomous humour, to her a most delicious liquor: by the power whereof, or rather by the virtue of the tenderness of a wife, she so drew out the poisonous matter, that he was entirely cured of his wound, and she escaped without catching any harm. What then can be more rare than this lady's expressions of love? or what can be more admirable? The tongue of a wife, anointed (if I may so say) with duty and love to her husband, draws from her beloved those poisons which could not be drawn out by the most approved physician; and what many and most exquisite medicines could not do, is effected purely by the love of a wife." But I must not omit here, that I meet with nothing of this story in the first editions of Camden's Britannia, especially that printed at London, anno 1600, quarto. Some of our old authors, Hemingford and Knyghton, have related the story in a very different manner, as if the lady had been very busy about the prince's wound, and thereby given great offence to the physician; or rather, that the prince was so passionately fond of her, that, while she was in his sight, the physician despaired of effecting a cure, perhaps fearing a fever. But the circumstances of the whole are so curious, and the relations of the authors favour so much of the manners of that age, that, I dare say, a translation of their words will be agreeable to my readers. "Immediately upon the report of the assassination (says Hemingford, and after him Knyghton) the master of the temple gave the prince a precious stuff to drink, by way of antidote to the poison, and blamed him for not believing him, to be upon his guard against so faithless a race as the Saracens were: however, he bid him be of good courage, for he should not die that bout. The surgeons therefore were called, and medicines were applied; but, in a few days, perceiving the flesh beginning to grow black, they began to whisper among themselves, and great dejection appeared in all countenances. The prince, perceiving, asked what they meant by their whispering, and whether his wound was incurable? Tell me plainly, said he, don't be afraid? Upon this, one of the surgeons (an English) said, Sir, you may be cured, but you must endure a great deal. Well, replied the prince, if I promise to endure it, will you promise to cure me? That I will, said the other, upon the forfeit of my head. Then, said the prince, I put myself into your hands, you may do with me what you please. The surgeon then asked him, if there were any of the noblemen about him whom he could trust? The king, upon this, named several who were present, as his wife was at the same time. The surgeon then addressing himself to the two first named, viz. the lord Edmund and the lord John Vescei, asked them whether they truly loved the prince? They answering, they did; Then, said the surgeon, you are to take hence this lady (pointing at the princess) and take care that her lord does not see her till I give you notice. Upon this, they forced her out of the room, notwithstanding all her tears and her cries: but they told her, Give over, Madam, it is better that you should shed tears, than that all the kingdom of England should. The next morning he cut off the black flesh quite from the prince's arm, and said to him, Courage, for I can tell you, that in fifteen days you shall appear abroad, and be on horseback: And the surgeon was as good as his word, to the admiration of every body." Chron. Walt. Hemingford, fol. 591.



A. D. 1272. forward, and, after passing the Alps, he arrived on the borders of France. Here his great reputation in arms had almost wrought his destruction. The count of Chalons, smit with the foolish passion of the age to rival a prince who had been yet unmatched in martial achievements, sent him a challenge in appearance to an honourable trial of address in tourneying; but, in reality, to a mortal essay in unmanly rancour. The cruel laws of honour which then prevailed not dispensing, as Edward thought, with his accepting the invitation, he repaired to the field of trial, which was agreed to be without the city of Chalons. There, instead of a company, he met an army, all of them not more intent upon the prize of honour, than upon the spoils of the English. Instead of an exercise, a battle was begun. Edward was attended by about a thousand knights, besides foot, (the fame of the trial having brought many over to join him from England;) and he immediately found himself attacked in good earnest by a double number of his antagonists. The dispute now became not for glory alone, but for life. The French foot were driven, by the English, back into their city, or drowned in an adjoining river; while the count of Chalons, with fifty chosen attendants, engaged the king of England. The combat, at first, between them was with swords; but Edward proving the greater master, the count closed in with him, and endeavoured to drag him from his horse, by seizing Edward round the neck; but the latter giving his own steed the spur, while the count obstinately kept his hold, the Frenchman was himself, still hanging on Edward's neck, dragged from his horse; and being at last obliged to quit his hold he fell to the ground with such rudeness, as seemed to leave his body breathless. Edward, upon this, generously ran in to lift his beaver, that he might have air; but the count's attendants now only sought how they might revenge their master's fall. They attacked the English with fresh fury, and remounting the count, who by this time was recovered, the battle grew so hot, that Edward ordered his men to keep no more measures with their antagonists, but to fight them in their own way, and to give as little quarter as they received. In the mean time, as the main body of the French horse was advancing to attack Edward's small retinue, the English, who had now returned from the pursuit of the foot, fell in with the enemy, and made so good use of their swords, that, in a very short time, the French, after losing a great many both men and horses, were totally routed, and the count forced to surrender himself prisoner to Edward.

Edward now entered the city of Chalons in a kind of triumph; but he found the citizens so exasperated, that, encouraged by the smallness of his numbers, they killed his men as they passed through the streets. This provoked Edward to threaten that he would burn down the city, if his men were not suffered to remain in it with the utmost safety; and the magistrates, intimidated

by his threats, placed such guards upon the avenues, and in the streets, as prevented all farther insults upon the English. But we are now to attend affairs in England.

Henry III. dying on the 16th of November, 1272, in the 65th year of his age, it was thought decent to perform his funeral obsequies before any public act of government should pass. He was, therefore, buried on the 20th of the same month; and the whole body of the nobility, both temporal and ecclesiastical then present, immediately went to the high altar of Westminster, where they swore fealty to his eldest son Edward. From this circumstance we may well conclude, that the nation at that time looked upon the crown of England as purely hereditary, since this prince was so far from being indebted to any colour of election for his crown, that he was recognized even in his absence. An alteration which could have been produced only by the people understanding the provisions of John's great charter in the light I have represented them; for it cannot be denied that election mingled strongly in the titles of all our kings between the conquest and Henry III, even when the princes were adult, and present in person. But, since the granting John's great charter, we have seen an infant succeed without election, and an absent prince recognized without dispute. That Edward's hereditary title might be the more strongly riveted, Robert Kilwarby, now archbishop of Canterbury elect, the earls of Gloucester and Warren, with all the other nobility, met at the New Temple, where they recognized Edward for their liege lord, and declared his succession to his father's dignity. Some of our authors, and I think with reason, say, that Henry, before his death, had committed the administration of the kingdom into the hands of the earl of Gloucester, during the absence of Edward in the Holy Land; but it is probable that no-bleman thought he was not entitled to the sole possession of so high an honour, as Edmund, the brother of his sovereign was now returned. He, therefore, wisely submitted his authority to that of the nobles; for we are told, that, in the same meeting, it was agreed, with the consent of the queen mother, that the government should, in the mean time, be vested in the hands of the archbishop of York (the archbishop of Canterbury being yet only an elect) prince Edmund earl of Cornwall, brother to king Edward, and Gilbert de Clare earl of Gloucester.

The interregency being thus established, and the royal treasures lodged with them, they immediately took proper measures against all public commotions. For this purpose orders were issued out for making a new great seal; and, in the mean time, writs were directed, in the king's name, signed by the interregency, to the several counties of England, for keeping the king's peace. At the same time they proclaimed the king's title in London, and all the cities of England. Precautions were likewise taken for the peace of Ireland; for the great seal being now ready,

A. D. 1272.

The nobility and clergy swear allegiance to prince Edward, tho' absent.

[See p. 353, 397, 425, 461, 623.]

The crown of England then hereditary.

Names of the regents.

who issue out several writs,

and enters Chalons.



A. D. 1272.  
and appoint  
Walter Mer-  
ton chan-  
cellor.

it was given to Walter de Merton, by whose hands a writ was directed from the interregency to Maurice Fitz-maurice, justiciary of Ireland, for keeping the king's peace there, and for obliging all the nobility, both spiritual and temporal, with all the knights and freemen of that kingdom, to take an oath of fealty to the new king before certain commissioners. A writ of the same nature was directed to the abbots of Dore and Hagenham, to receive an oath of fealty, according to former and late agreements, from Llewellyn, the son of Griffith, prince of Wales; but it appears, by the return of the writ, that the prince did not appear at the time and place appointed.

I have used, upon this occasion, the unusual term of interregency; but I have done it because the government, at this time, cannot be said to have been by a regency, which requires a nomination from the crown, or devolves of course upon the nearest in blood. That the three nobles above-mentioned did not look upon themselves as regents, is I think pretty plain, from their issuing no public acts in their own names, but in that of the king; and by the chancellor making

out all dispatches after the great seal was made. It is therefore plain that this interregency looked upon their powers as no longer valid than a new nomination should come from the king; but, in the mean time, they made use of them to summon a parliament, or, as archbishop Wake will have it, a convocation of the estates, to meet at Westminster the Hilary term ensuing (1). This parliament consisted of all the archbishops, bishops, earls, barons, abbots, and priors in the kingdom, with four knights from every county, and four members from every city. The manner of summoning, and the persons who composed, this parliament, have given rise to great altercations among our modern historians, some contending that the four representatives from the counties, and the four from the cities, were returned by the commons; and others that they were only tenants in capite, whom the convention of the nobles thought fit to call, but who were not returned by the people (2). The right reverend prelate last quoted is of the latter opinion, and grounds it upon this meeting not being a parliament. In this he is opposed by Mr. Tyrrel (3), who is in the right as to the

A. D. 1273.

A parliament  
at Westmin-  
ster.

(1) Hoc anno sc. post festum sancti Hilarii facta convocatione omnium, prælatorum, et magnatum regni apud Westmonasterium, post mortem illustris regis Henrici, convenerunt archiepiscopi, episcopi, comites et barones, abbates et priores, et de quolibet comitatu quatuor milites, et de qualibet civitate quatuor; qui omnes in presentia dominorum Willielmi sc. archiepiscopi Eboracensis, Roberti de Mortuo Mari, et R. Burnell clerici, qui in loco domini regis Anglorum Edwardi presuerunt. Sacramentum eidem domino Edwardo tanquam terræ principi profecerunt, et de pace regni firmiter et fideliter custodienda præceptum susceperunt, ubi dominus Willielmus de Mertone cancellarius constitutus est, et ut moram trahat apud Westmonasterium, tanquam in loco publico, usque ad adventum principis. Et ibi provisum est quod nulli sicut iusticiarii itinerantes usque ad adventum principis, sed in banco. Annal. Waver. fol. 227.

(2) In the beginning of the next reign, Dr. Atterbury thinks he has a full testimony for his commons in parliament; but the inferior clergy were not there. "In his first year, says he, while he was yet abroad in his expedition, we find the commons (as we now understand the word) present in parliament, and that in a greater number than they were in the forty-ninth of his father." But is Dr. Atterbury sure that this was a parliament? If so, I would be glad to know by whose commission it was called? or whether the nobility had of themselves power in law, without any commission, in the king's absence to call a parliament? The plain matter of fact was this: King Henry III. died November the 16th; his son Edward I. was absent in the Holy Land. Before the king was buried, the earl of Gloucester, in presence of the archbishop of York, and other bishops, earls and barons, swore to maintain the peace of the realm; so did all the rest of the lords and bishops who were there assembled. After this they met together, in a great body, at the New Temple, London. There they made a new great seal, and, under that, appointed guardians and ministers to preserve the treasure of the king, and the peace of the kingdom. After Hilary they all met again, and then caused all the prelates of England, and all the great men, viz. archbishops, bishops, earls and barons, abbots and priors, four knights out of every county, and as many out of every city, to come to Westminster; and there they all again, in presence of the archbishop of York, Roger Mortimer, and Robert Burnell elect bishop of Bath and Wells, who were appointed guardians of the realm, swore the same thing. There they made Walter de Merton lord chancellor, and commanded him to reside at Westminster till the king's return: And lastly, there they agreed, That there should be no justices itinerant in the king's absence, but only the justices of the bench. This was the meeting which Dr. Atterbury calls a parliament; but which was indeed a convention of the nobles, and of such a certain number of knights out of every county and city, as they thought fit to call to them, to secure the right of the king, and peace of the kingdom. And the annals of Waverley, which in other places use the proper term parliamentum, here (as also those of Worcester do) call it a convocation, as knowing it indeed to be no other. I will not now dispute who the milites were, of whom these histories speak; though I look upon them to have been the king's tenants in capite, under the degree of barons. I will only leave it to Dr. Atterbury to consider these two things: If this were a proper parliament, and if these were not such knights, but proper members of parliament, as we now speak; then, first, how the city members, as well as the county representatives, came to be called knights, and not by their proper term, citizens? Secondly, how the borough came to be forgotten, who, I suppose, did not stand upon their privileges, and refuse to come to parliament? Wake's State of the Church, fol. 216.

(3) The reverend author of the State of the Church will not allow these four knights to be any other than tenants in capite, whom this convention of nobles thought fit to call to secure the right of the king, and peace of the kingdom; and therefore will not give it the name of a parliament, but of a convocation, as the annals of Waverley call it. I shall not dispute about words with him; but that it was a great council of the kingdom, assembled upon an extraordinary occasion, though after an unusual manner, is very certain; for Matthew Paris calls it a council, as I have already noted: and, since the doctor has thought fit to ask his antagonist several questions about these representatives of counties and cities, I will set them down, and make bold to answer them on his behalf, till he is at leisure to do it himself. First, the doctor asks, if this were a parliament, how the city representatives came to be called knights, and not by their proper term of citizens? Secondly, how the boroughs came to be forgotten? To the first of these queries I answer thus, That there is no necessity of construing this word quatuor, here set alone without a substantive, by four knights: for who can suppose so many knights, or considerable tenants in capite, to have been in every city of England, especially the smaller ones, such as Litchfield, Hereford, Worcester, &c. and that in the first year of this king's reign? Therefore I do believe, that the best way to solve this difficulty is; to suppose the word (cives) to be here either left out by the negligence of the transcribers, or else to be understood, according to the subject (viz. the cities who sent those members) of which these authors are treating; since none can imagine that all the cities of England could afford four knights apiece. And as to his second query, I think it may be answered thus, That this being no formal parliament to give money, or enact laws, the regents of the kingdom might think it not worth while to summon the burghesses of all the boroughs in England to come up to this assembly, only to recognize and swear allegiance to the king; and yet, that they might be summoned to parliaments properly so called, when any general aid was to be given, especially upon all moveable goods, in which grants they were particularly concerned. But now I desire I may take my turn, and ask the doctor a few questions concerning his assertions: As, in the first place, How he knows, or can prove, these milites to have been the king's tenants in capite, under the degree of barons, and only called up by the nobles, and not chosen by their particular counties? Secondly, If they were so called up, how, without any election, they could represent any body but themselves? Thirdly, As to the city members, whom he will likewise have to be knights, and, I suppose, tenants in capite, as well as the former, how he can make it out that there were tenants in capite in all the cities of England, since several of them never held



A. D. 1273. the main of his principle, but has not been careful enough to support it by due proofs. For if he had accurately consulted our historians, he would have found that this meeting was, in effect, a real parliament, and summoned by proper authority; because the interregency, by this time, was superseded, and, according to the annals of Waverly, the archbishop of York, Robert Mortimer, and R. Burnel, a clerk, were appointed the royal commissioners for holding this parliament, and for again taking the oath of fidelity to the king from its members. It is surprizing this very important circumstance should have escaped all our historians, as it goes so far in establishing in this parliament the rights of representation from the commons; which, had it been, as the learned prelate contends, an irregular assembly, it could not have done. But, to shew that it was thought necessary to stamp the acts of the interregency with a validity, which they had not before, the chancellor was re-appointed; and it was ordered, that he should take up his residence at Westminster, as in a public place, till the return of the king. It was next ordered, that there should be no itinerant judges, and only those of the bench, till the king should return.

Edward does homage to the king of France.

Edward, by this time, was at Paris, where he was required by the king of France to do homage to him for those estates in France which belonged to him by hereditary right. This Edward readily performed, but in the following remarkable words: "Sir king, I do you homage for all the lands I ought to hold of you." Thereby intimating there were some lands which he ought to hold, and did not, meaning Normandy and other estates.

The Flemings ordered to depart the kingdom.

The differences between the English subjects and those of Flanders, though stifled towards the end of the last reign, now broke out afresh; and a letter was directed by Edward, from the hands of the chancellor Merton, to the mayor, sheriffs, and commonalty of London, ordering them to command all Flemings to depart out of the city of London, on pain of forfeiture of goods; but with a licence to receive the goods and effects that were due to them. A writ was likewise directed to Richard de Clifford, Henry's escheater on this side Trent for assessing a tallage on the city of Bristol; and it is highly probable, that the necessity of his affairs abroad obliged him to order the late tallage to be assessed on other trading towns. Writs were likewise issued out to the sheriffs of Surrey and Sussex, for suppressing the riots of the people in those two counties; and the chancellor, in whose hands the executive part of the government seems then to have

been, acted so agreeably to Edward's sentiments, especially in supporting his prerogative against the clergy, that he had the king's thanks in a letter, which encourages him to persevere in the ways of justice, without regard to persons.

A. D. 1273.

Edward having thus made such dispositions as seemed to promise the quiet of his English dominions, and being in a perfect good understanding with the court of France, began now to turn his eyes towards his French dominions. Taking leave, therefore, of king Philip, he marched into Gascony, where he ordered his barons and others to come and pay him homage. This in general was complied with; but one Gaston de Montacute, The lord of Bearn rebels, relying on the protection of the French court, stood out, under pretence that his fealty was due to the king of Arragon. But Edward quickly reduced this stubborn lord, and threw him into prison, from whence he escaped, and entered an appeal before the French court against Edward's proceedings. The matter came to a solemn hearing; the lord was adjudged to hold his lands of the king of England, and next year reduced to appear before Edward with a halter about his neck, in token of intire repentance and submission. but forced to do homage.

Edward's next attention was turned to his subjects of England, who, in general, were great sufferers by the prohibition of the Flemish trade; he therefore resolved, before King Edward concludes a treaty with the countess of Flanders, he went to England, if he could, to make up matters with the countess of Flanders, and accordingly had an interview with her, in which he put the last hand to a treaty for restoring a good understanding and commerce between the two people, and making up all differences between them. He then took shipping at Bulloign, and landed in England on the 25th of July, 1274.

The court of England was at that time very splendid. The four greatest subjects of the laity were Alexander king of the Scots, who with his queen the sister of Edward, had come into England to perform his homage; Edmund earl of Cornwall, Gilbert earl of Gloucester, and John earl of Warren. Being Is crowned at Westminster, therefore conducted with great pomp to London, he was, on the 19th of August, crowned at Westminster by friar Robert Kilwarby archbishop of Canterbury, now confirmed and consecrated; but, according to the annals of Peterborough, who are single in this circumstance, by the archbishop of Roan, in the usual form. His coronation was followed by the performance of homage from the king of Scots, the duke of Brittany, and the other peers of England; and so magnificent was the ceremony, that we are told five hundred horses were let loose,

of the king at all, but of bishops or great lords, as I have already shewn? Now, if the doctor pleases to give us a full answer to these few queries, he may perhaps find himself under greater difficulties than Mr. Atterbury or I can be, in answering those he has there put. However, I shall make no other use of this great council or convention, but leave it to the judgment of the indifferent reader, whether it be at all probable that if all the less tenants in capite had been summoned to all parliaments, and in the reign of the late king, the last of which was but three years before his decease; that at this council, held during the new king's absence, when affairs were as yet unsettled, the guardians of the kingdom should presume to exclude almost all these tenants in capite from the great council above-mentioned, and summon no more than four of them out of each county to represent all the rest? But if these knights were chosen in the county courts by all the suitors to it, as it is most likely they were, then there is no necessity to suppose them to have been all tenants in capite, any more than they are now; there being no clause in the writs of the 49th of Henry III, or in any other part of the reign we are now treating of, that directs they shall be tenants in capite. Tyrrel's Append. vol. iii. fol. 55, 56.



A. D. 1274. on that occasion, to belong to those who could catch them.

Edward now entered upon a great, but intricate scene of action. Hitherto he had approved himself the best of sons, the bravest of princes, and the most amiable of men. His virtues and abilities graced and assisted each other; and his subjects, under him, promised themselves a long respite from the calamities they had suffered under his father. But man little knows his own breast. The seeds of a thousand passions lurk within it, which are warmed by the heat of ambition, and put in motion when opportunity calls them forth to action. So did it fare with Edward. His laurels, which hitherto owed their verdure to his virtues, we shall, in the course of his reign, find red with guilty ambition, which no provocation can excuse, nor success vindicate. But Edward did not fall prone into guilt; it stole by degrees upon his soul; it stole so imperceptibly, that, if it can admit of any excuse, it is, that he was guilty, without being sensible he was so; and that he thought all means were lawful for extending the greatness of his own power, and securing the happiness of his subjects.

and person.

Historians, in the beginning of his reign, have given us a description of him, when in the flower of his youth, and adorned with every advantage which high quality and high reputation can bestow. In his person, we are told, he was the finest made man in his age. His tallness, in which he excelled the middling size of men by the head and shoulders, was only proportioned to the texture and firmness of his body and limbs; and he had something inexpressibly genteel in his air. His complexion, from being fair and florid, was now manly and brown; his forehead open and spreading, as were all his other features, excepting one of his eyelids, which, like his father's, hung a little over the pupil of the eye. He had a prodigious strength in his arms, so that, like his grand uncle Richard, he was fitted to do more execution in his own person than any man in his time. His chest was full and large, and the length of his thighs gave him so firm a seat on horseback, that he was there immovable. All those excellent natural qualifications were hardened and improved by continual exercise, which gave him habitual address in arms; and hunting, especially that of stags, was his favourite diversion, at which he was so keen, that he used his sword, instead of a hunting spear, for running them through. I have thrown together these particulars of this great king's person, because, in that age of active valour, personal strength and address, even in princes, often carried with it decisive advantages, as may already be seen by the history of this king. But to return to his government.

His first cares, after his coronation, were

to look into those abuses which had gathered strength through the remissness and calamities of his father's long reign, and particularly with regard to the prerogative and revenues of the crown. Towards the middle of October, therefore, in the year 1274, he issued out writs of enquiry, by the oaths of twelve legal men to two commissioners in every county, to enquire what his royalties and the liberties and prerogatives of his crown were; who were his tenants in capite, and military service; and how many and what fees they held of him; of his tenants in ancient demesne, how they had behaved themselves, and in what condition their farms were; of sheriffs, coroners, escheaters, bailiffs, and their clerks, whether they had extorted money from any man by reason of their office, had wronged any man, or received bribes for neglecting or being remiss in their offices, &c. From the return of this enquiry it appears, that incredible abuses had crept into government, which required a speedy hand to reform. On this he became so intent, that he passed by all the provocations he met with from Llewellyn prince of Wales, that he might be the less embarrassed in the work of reformation. Accordingly a parliament was summoned to be held, fifteen days after Candlemas, at Woodstock; but the necessary plan of reformation not being ready, it was thought proper to prorogue it till Easter-Monday following, to sit at Westminster. As to the business for which this parliament met, it will be best known by transcribing the words of the preface to its acts, which are in themselves very remarkable. "These are the acts or establishment of king Edward, son to Henry, made at Westminster, at his first general parliament after his coronation, on the Monday after Easter, in the third year of his reign, by his council, and by the consent of the archbishops, bishops, abbots, priors, earls, barons, and all the commonalty of the realm thither summoned. Because our sovereign lord the king had great zeal and desire to redress the state of the realm in such things as required amendment, for the common profit of holy church and the realm; and because the state of the realm and holy church had been evilly kept, and the prelates and religious of the Lord grieved many ways, and the people otherwise intrusted than they ought to be, the peace less kept, and the laws less observed, and offenders less punished than they ought to be, by reason whereof the people of the land less feared to offend; the king hath ordained and established these acts underwritten, which he judges to be necessary and profitable for the whole realm."

A. D. 1274.

Writs of enquiry into the prerogatives and liberties of the crown issued out. Brady.

A parliament at Westminster.

As those statutes are very important in themselves, the reader will find an extract of them in the notes (1). Edward, for the new model

(1) The statute of Westminster, the first so called, because made there at his first parliament held after his coronation, on the octaves of Easter, in the third year of his reign, by the assent of the archbishops, bishops, abbots, priors, earls, barons, and all the commonalty of the realm being thither summoned.

Cap. I. In the first chapter, after the king's willing and commanding the peace of holy church, and of the land, to be well kept in all points; and that common right be done to all men, without respect of persons; he then proceeds to forbid all great men to oppress any religious houses or monasteries, by eating or lodging in them, without their own consent: which statute, as it is now obsolete by the dissolution of abbeyes and monasteries, I have only given you this short mention of it.



A. D. 1274. model he gave to the English law, deservedly to his country was of greater advantage in his civil, than, great as it was, his military capacity. A. D. 1274.

- Cap. II. That a clerk, when taken as guilty of felony, and demanded by the ordinary, shall be delivered to him according to the privilege of holy church, on such peril as aforetime has been accustomed; and the bishops are hereby admonished not to deliver any, interdicted of such offence, without due purgation.
- Cap. III. That nothing be demanded, taken, or levied by the sheriff, or others, for the escape of a thief or felon, till it be adjudged an escape by the justices in eyre, upon such penalties as are therein provided.
- Cap. IV. Concerning wrecks.] It is provided, That if a man, or any living creature, escape out of a ship, such ship, and all that is in it, shall not be adjudged wreck; and that the goods therein, upon suit and proof made by the owner, within a year and day, shall be forthwith restored to him; otherwise, if the time be lapsed, they shall remain to the king.
- Cap. V. That no great man, nor other, by force of arms or menaces, upon great forfeiture, shall disturb any from making free elections.
- Cap. VI. That no city, borough, nor any man, be amerced without reasonable cause, and according to the quality of the person and quantity of his trespass, that is to say, every freeman, saving his freehold, &c.
- Cap. VII. This is now obsolete; but the purport of it is, That no constable, nor castellan, shall exact any prizes or duties of any, but such as be of their own town or castle.
- Cap. VIII. The next is against taking any thing for fair pleading, as had been prohibited in the time of Henry III. his father.
- Cap. IX. That all persons shall be ready, at the summons of the sheriffs, and cry of the country, to pursue and arrest felons; and those that will not so do, and thereof be attainted, shall be grievously fined to the king, with other causes belonging to lords of franchises, bailiffs, sheriffs, &c.
- Cap. X. That, through all shires, sufficient men shall be chosen coroners, of the most discreet knights, who may best attend upon that employment; and be so chosen, not to demand nor take any thing of any man for doing his duty, upon pain of great forfeiture.
- Cap. XI. Whereas many who had been indicted, and found guilty of murder, by favourable inquests taken by the sheriffs, and the king's writ de odio et atia, were bailed till the coming of the justices in eyre; this provides, That, for the future, such inquests shall be taken by lawful men, chosen by the oaths of twelve men (of whom two, at least, to be knights) as shall be unsuspected of having any affinity with the prisoners.
- Cap. XII. Notorious felons, who refuse lawful trial, shall suffer strong and hard imprisonment; but not those that are taken upon slight suspicion.
- Cap. XIII. None shall ravish, or take away by force, any maid within age, either by or without her consent; nor any maid or wife of full age, nor any other woman, against her will: but this is to be prosecuted within forty days, or the party loses their action.
- Cap. XIV. The accessory in an appeal shall not be out-lawed before the principal be attainted; howbeit, none shall intermit to commence their appeal at the next county, as well against the accessory as against the principal; but the exigent against those shall remain until the other be attainted by outlawry, or otherwise.
- Cap. XV. Enacts what persons are not repleviable, or bailable, by common writ, or without writ, viz. persons outlawed, or such as have abjured the realm approvers, and such as be taken within the manor; prison-breakers, thieves, openly defamed and known appellees by provers (during the life of such provers), house-burners, counterfeiters of the king's seal or coin, excommunicate persons, manifest offenders, and traitors.
- Cap. XVI. None shall drive a distress out of the county, or distrain wrongfully, or out of their fee, on pain of being grievously punished, according as the statute of Marlebridge (cap. 4.) has provided in that case; or more grievously, if the manner of the trespass so require.
- Cap. XVII. If beasts be driven into a castle or fortress, and there with-holden against pledges offered, and not suffered to be replevied by the sheriff, or other of the king's bailiffs, after convenient notice to the detainer, &c. the king, for the said trespass and despite, shall cause the said castle or fortress to be demolished; and, after the first demand made by the sheriff or bailiff, the plaintiff shall recover double damages against the lord or the detainer; or, if the detainer be not able, then of the lord only.
- Cap. XVIII. Gives remedy against common fines and amercements, by providing, That from thenceforth such sums shall be assessed by the justices in eyre, before their departure, by the oaths of knights and other honest men, upon all such as ought to pay them.
- Cap. XIX. The sheriff, having received the king's debt, upon his next account shall discharge the debtor thereof, on pain of forfeiting treble to the debtor, and to make fine at the king's pleasure. Further, the sheriff, if alive, or, if dead, his heirs, shall answer all money which he, or those he employs, receive; and if any other, that is answerable to the Exchequer by his own hands, so do, he shall render treble to his plaintiff, and make fine as before: and, upon payment of the king's debt, the sheriff shall give a tally to the debtor; and the process for levying the same shall be shewn him upon demand, without fee, upon pain of being grievously punished.
- Cap. XX. Trespassers in parks or ponds shall give treble damages to the party grieved, suffer three years imprisonment, be fined at the king's pleasure, and give surety never to offend again in the like kind; and if they can't find surety, they shall abjure the realm, or, being fugitive, shall be outlawed.
- Cap. XXI. Guardians shall keep the lands of wards without destruction, according to Magna Charta, cap. 4, 5. and so shall archbishoprics, bishoprics, and all spiritual dignities be kept in time of their vacation, or being void.
- Cap. XXII. This is concerning female wards, and the age whereat they shall be married by their guardians; but all wardships being since taken away, we need mention no more of it.
- Cap. XXIII. That in no city, town, or other place, any foreign person (who is in this realm) shall be distrained for debt, unless he be debtor or pledge; and whoever does it, he shall be grievously punished, and the distress be delivered to him by the bailiffs of the place, or by the king's.
- Cap. XXIV. That if any escheator, sheriff, or other bailiff of the king's do, by colour of his office, without special warrant, disseise any man of his freehold, &c. it shall be in the disseisee's election whether the king shall, upon complaint, cause it to be amended, or the disseisee will sue by writ of novel disseisin; but if the disseisor be cast, he shall pay double damages, and be grievously amerced besides.
- Cap. XXV. No officer of the king shall maintain plea of lands, or other things to have part thereof, or other profit by covenant between them made, on pain of being punished at the king's will.
- Cap. XXVI. No sheriff, nor other the king's officer, shall take any reward to do his office, but shall be paid by the king; and if he do so, he shall pay double, and be punished at the king's will.
- Cap. XXVII. No clerk shall take any thing for delivering of chapters, but only those of the justices errants in their eyres, and they to take but two shillings; and he that exacts more shall pay treble as much as he has taken, and lose the service of his master for one year.
- Cap. XXVIII. No clerk of the king's, or any justice, shall receive the presentment of any church, for which any debate is in the king's court, without his special licence, on pain to lose the church and his service; nor shall any justice, or sheriff's clerk, take part in any suits, or use fraud, whereby common right may be delayed, on pain to be punished as aforesaid, or more grievously if the trespass require it.
- Cap. XXIX. If any serjeant, or pleader, do act or consent to any deceit in the king's court, to beguile the court or party, upon being attainted, he shall be imprisoned for a year and day, and not suffered to plead in that court any more; and if he be no pleader, at least he shall be imprisoned for a year and day; and if they deserve greater punishment, it shall be at the king's pleasure. Officers, cryers, and marshals of justices in eyre, shall not take money otherwise than they ought to do, on pain to pay the treble thereof to the complainants.
- Cap. XXX. This provides remedy against taking excessive tolls in market-towns, belonging either to the king or others, under the penalties therein mentioned; as also against citizens or burghesses, for taking more for the charge of murage of their town than they ought by their grant from the king or his father, by losing their grant, and being grievously amerced to the king.
- Cap. XXXI. Is to remedy the unjust taking of victuals, &c. by way of purveyance, for the king's use, without paying for them; and appoints certain penalties upon those that do so. But this being now grown obsolete, it is enough barely to mention it.



A. D. 1274. capacity. It could not be expected but that the king must now find his finances drained by his foreign expeditions; several ways and means, therefore, were fallen upon to replenish them; and, among others, that of obliging his tenants to shew by what titles they held their estates. Though this was a strain of prerogative, yet many, unwilling to break with the king, surrendered their fees, which were returned them upon composition. But all the money raised this way was ineffectual for the purposes of the government; and the people were so well pleased with the king's conduct, that they could refuse him nothing.

Llewellyn prince of Wales declines to pay homage to Edward,

We have already observed, that Llewellyn prince of Wales had neglected to obey his summons of homage. The like had been repeated to him, both at Edward's coronation, and upon the session of his parliament. Edward, unwilling to engage in war before he had thoroughly established peace at home, was so far from shewing any resentment at this behaviour, that he proposed to have a conference with the prince of Wales. The latter agreed to this, provided that sufficient hostages were given him for his safe conduct

and return; which Edward, who had advanced almost to the borders of Wales to hold the conference, did not think fit to comply with, and returned back to London. The Welsh prince, on his part, complained that the late peace had been violated by several acts of hostility committed by the English, and that it was sufficient if he performed his homage within his own country. He added, that he too well remembered the fate of his father Griffin (who broke his neck in endeavouring to escape out of the tower) for him to trust himself in the hands of the king of England. A. D. 1274. and on what account. [See p. 746.]

Tho' all our historians have written with great acrimony of Llewellyn's conduct on this occasion, yet the fidelity of relation obliges me to make some remarks on that of Edward. That Llewellyn was his vassal is true; but it was a vassalage founded on no other right than that of force and conquest. Very different, therefore, was his case from that of a vassalage for a granted fee, such as was that of the Scot's; as it left him at liberty to break his chain, if he could, by the same strength with which it was imposed. Success, in this case, ought never to affect prin-

Reflections thereupon.

Cap. XXXII. That no sheriff shall countenance barretors or stewards of great lords (unless they be attorneys for their lords) to make suits, nor give judgment in the counties, &c. if not specially required by the suitors and their attorneys; and if any do so, the king to punish both the sheriff and transgressor.

Cap. XXXIII. None is to tell or publish any false or scandalous news or tales, whereby discord may arise between the king and his people, or the great men of his realm, on pain of imprisonment till he bring forth the author. The reader here may take notice, that upon this statute another act was founded in the 2 Rich. II. cap. 5. commonly known by the name of Scandalum Magnatum, which we shall further speak of in its due place.

Cap. XXXIV. None, except the king's ministers, shall within a liberty arrest any person passing through the same, and holding nothing thereof, for any contracts, covenants, or trespasses made or done out of such liberty, on pain of paying double damages to the party grieved, and a grievous fine to the king.

Cap. XXXV. Concerning reasonable aid to make the king's eldest son a knight, and to marry his eldest daughter, how much shall be taken from the king's tenants for each kind, &c. But this is now taken away by the statute of wards and liveries, 12 Car. II. cap. 24.

Cap. XXXVI. If any be attainted (i. e. convicted) of disseisin done in this king's time, with robbery of goods, or otherwise, the disseisee, by assize of novel disseisin, shall recover his seisin and damages, and the disseisor shall make fine, whether he be present or not; but if present, he shall be committed.

Cap. XXXVII. An attain is granted in plea of land, freehold, or any thing touching freehold, when the king shall see it necessary.

Cap. XXXVIII. Seisin of one's ancestor, in a writ of right, shall be from the time of king Richard I; in an assize of novel disseisin, and nuper obiit, from Henry III's voyage into Gascony; and in a mort d'ancestor, cosinage, ayel, and niefie, from the coronation of Henry III.

Cap. XXXIX. In writs of possession, intrusion, &c. whereby land is demanded which ought to descend, revert, &c. if the tenant vouch to warranty, and the demandant counter-plead him, and aver by assize, or by the country, as the court shall award, that the tenant or his ancestor, whose heir he is, was the first that entered after the death of him whose seisin he demands, the averment shall be received, if the tenant will abide thereupon; but if not, he shall be compelled to another answer, unless his warranter be present, who shall immediately enter into the warranty; and the demandant also may have the like exception against the vouchee, as he had against the first tenant.

Cap. XL. The champion of the demandant shall not be compelled, in a writ of right, to swear, that he or his father saw the seisin of his lord or his ancestor, and that his father commanded him to deraign the right; but his oath shall be kept in all other points.

Cap. XLI. In a writ of assize, attainments, and juris-utrum, after the tenant has once appeared in court, he shall not be effoined.

Cap. XLII. Parceners or tenants, jointly infeoffed, shall not fourch by effoin, that is, they shall have but one effoin among them at one day, as they were one sole tenant.

Cap. XLIII. An effoin of ultra-mare shall not be allowed, but made a default, if the demandant can prove that the tenant was within the four seas the day of the summons, and three weeks after; but this is only to be done before justices.

Cap. XLIV. That if the tenant or defendant make default after the first attachment returned, the great distress shall be awarded; and if the sheriff make no sufficient return, he shall be amerced: with other clauses how returns shall be duly executed.

Cap. XLV. That one plea shall be decided by the justices of the King's-bench, before another matter be arraigned, or plea commenced; but their effoins shall be entered, judged, and allowed; yet let none presume to absent himself at the day appointed him.

Cap. XLVI. If a writ of novel disseisin be purchased, and the disseisor die before the assize be past, the heir shall have his writ of entre sur disseisin against the heir of the disseisor. The like writs shall the heir of the disseisee have, in case he die, &c. and here non-age of the heir of the disseisor, or disseisee, shall not prejudice either of their rights in assize. The same provision shall extend for the right of prelates, and other religious persons, whether disseisees or disseisors: and if the parties come to an inquest, and that passes against the heir of the disseisee, he shall have an attain gratis.

Cap. XLVII. This prevents all abuses of the chief lords, by their making feoffments of the lands of their wards, to their disinherittance. But wardships being since taken away, I only touch upon it.

Cap. XLVIII. In a writ of dower (unde nihil habet) the writ shall not abate by the exception of the tenant, that she has received her dower of another before the writ purchased, unless she can shew that she received part of her dower of himself, and in the same town, before the writ purchased.

Cap. XLIX. This chapter, or article, contains a saving to the king of the rights and prerogatives of the crown.

Cap. L. Assizes of novel disseisin, mort d'ancestor, and darrein presentment, shall be taken in Advent, Septuagesima, and Quaresme or Lent, as well as inquests; and that at the special request of the king made to the bishops.

As for those that pass under the title of Statutes, such as that of the extent of a manor, and that of the office of a coroner, made in the fourth year of this reign, they being at best but ordinances passed by the king and his private council, I only mention the titles of them.

Ibid. fol. 185, 186, &c.



A. D. 1275. ciple. The Scotch, if a people can be bound by the submission or weakness of a king, had been, and afterwards were, as much vassals to the crown of England as ever the Welsh had been; but, with the applause of all mankind, by force they broke those chains which force had imposed. Llewellyn was only more blameable, because more unsuccessful. In the next place, Llewellyn refused to do homage without the bounds of his territories. Our historians declaim against this; but we have already seen, that it was not only a doubtful point whether a vassal was obliged to appear without the bounds of his estate or fee, but that it actually had been given up, in the case of the king of Scots, by the crown of England. Neither do we find any offers made by Edward for entertaining the Welsh prince, in case he should exceed the bounds of his own fee. But though Edward did not yet think it seasonable to endeavour to reduce Llewellyn by open force; yet the latter well knew that his contumacy must expose him to severe chastisement. This made him consider how he might best ward the blow. He knew that there were many secret remains of the Montfort faction still in England; that the late times of public penury must have brought many so low, that they would be glad of a new revolution, and of fresh disturbances; and that the French court was looking on the growing greatness of Edward with a jealous eye. He, therefore, resolved to strengthen himself by a strict alliance with the Montfort family, the heir of which was at that time living in great splendor and credit in France; and, for that purpose, he demanded in marriage, from Philip king of France, Eleanor, the daughter of the late earl of Leicester. His request being readily complied with, the lady accompanied by her brother Americ, a clergyman, set sail for England; but, on the coast of Wales, had the misfortune to be taken prisoner, and to be conveyed to the court of England, where she remained in honourable, though strict, captivity, while her brother was committed to prison in Corf castle.

Eleanor, daughter of the earl of Leicester, demanded in marriage by the prince of Wales, is taken prisoner.

A parliament at Westminster, which grants a fifteenth to king Edward,

The Jews prohibited to take usury.

Edward summoned to the court of France.

Fifteen days after Michaelmas, in the year 1275, another parliament was held at Westminster; and the king, in consideration of the great expences he had been at, demanded a fifteenth both of the laity and clergy. This was granted without any hesitation by the former; and, tho' the latter shewed all cheerfulness, yet they represented the impossibility of their being able to comply with the tax, as the pope had just imposed one upon them for the same purpose for six years. But, notwithstanding this, the bishops promised, after Christmas ensuing, to recommend it to the clergy to raise a subsidy by way of benevolence. In this parliament it was ordered, that the Jews should no longer take usury for their money, but apply themselves to the arts of industry and merchandize; and farther, that they should wear badges on their upper garments, by way of distinction. Soon after this, a summons came from the court of France, requiring Edward, as feudatory

to that crown, to repair in person to the French court at Paris. This summons was both unwelcome and unseasonable; he therefore made his excuse as to personal attendance by his envoys Maurice de Credome, Otto de Grandison, and Roger de Clifford, whose commission bears date the 2d of November.

Edward, the more thoroughly to ingratiate himself with his people, in a parliament held early in the year 1276, confirmed the great charters of liberties and the forests; and the intermediate time between that and Easter was spent in preparations for reducing the prince of Wales, who now, exasperated by the captivity of his betrothed spouse, had taken arms, and entered upon hostilities. Another parliament was held immediately after Easter, in which Edward wisely took from Llewellyn one of the main supports he had promised himself; for he now reversed several forfeitures of those who had been in Montfort's rebellions, and restored them to a capacity of inheriting, with all the rights of English subjects. In this parliament the clergy fulfilled their promise of giving the king a benevolence; but they were cautious enough to take, under the king's own hand, the following instrument: "The king to all persons sends greeting. Whereas the earls, barons, with other great men, and the commonalty of our kingdom, have granted us a fifteenth of all their goods; and the venerable father the archbishop of Canterbury, and his suffragan bishops, for our urgent occasions, have also granted us an aid of their goods: we, by these letters, do declare and protest, that this gift proceeded from free good-will, and not in the name of a fifteenth; and that it shall not be urged as an example, or as a due, to be drawn into custom by us and our heirs."

who confirms the great charter, and of forests.

The king's declaration concerning the bishops gift.

Edward had not, as yet, proceeded to extremities against Llewellyn, who was again summoned to appear at this parliament. Llewellyn refused to do that; but offered the king a suitable ransom for his mistress, who he said was detained against the faith of nations. Edward, on his part, offered to set her at liberty, provided the Welshman would restore the castles he had lately taken. But neither complying with the other's request; they mutually went on in their preparations for war. Llewellyn, at first, had some success, in taking several strong places belonging to the English, which forced the king, though as yet unprepared to do any thing effectually, first to advance to Chester, and next to lay siege to the castle of Rothland, which he retook. He then divided his army into three parts, not proposing to act offensively; the one he retained with himself, another he put under the command of Payne de Canursis, one of his best officers, who marched into West Wales, where he did considerable execution; and the last body, which consisted of three hundred men at arms, were sent to restrain the enemy's inroads upon the South Marches, towards Montgomery and Bristol. By these precautions the Welsh, for

Marches against the prince of Wales.



**A. D. 1277.** for some time, were quieted; and Edward this year, about Michaelmas, held another parliament at Westminster. In this assembly, the famous statute of bigamy, founded on the sixteenth canon of the second council of Lyons, depriving all persons twice married of clerical privileges, was passed, after being first drawn up into chapters, and read in presence of bishops, justices, and others of the king's council, who agreed that it should be published for perpetual memory. But of this remarkable statute, more in our history of the church.

**A tournament held in Cheap-side.** About this time the king, to keep up the spirit of active valour, so necessary in that age, ordered solemn jousts and tournaments to be held at Cheap-side; and, on the 12th of December following, he issued out writs of (1) summons against Llewellyn, directed to all his lords, spiritual as well as temporal, and to all others who held of him by knight-service, who were to meet him at Worcester eight days after St. John the Baptist, that is, the 24th of June following.

**Edmund earl of Cornwall marries the queen of Navarre.** But, in the mean time, Edward found it necessary to reinforce the parties which had been left for repelling the incursions of the Welsh; and, about Christmas this year, he sent down all the forces he could conveniently spare, to keep the enemy at a bay, till he could give them one decisive blow. About the same time the earl of Cornwall, the king's brother, having married the queen of Navarre, the heiress of that country, and one of the finest women of her time, brought her into England, where she was received with great honours.

**Edward's expedition and success against the Welsh.** Edward's precautions in restraining the Welsh had so good an effect, that no mention is made of their progress till the year 1277, when Edward marched down to the borders of Wales. From thence he found it convenient to remove his courts to Shrewsbury; and returning to Worcester, he ordered a general rendezvous of his army to be made. Llewellyn, all this time, trusted to the often-experienced strength of his country's situation, which had so frequently baffled the armies of England, unable to subsist in those barren countries. But Edward was too great a master of war, to make it upon the Welsh in the unsuccessful method hitherto practised. About Midsummer he marched beyond Chester, while he ordered the forces of the Cinque-ports round with a strong squadron to attack Anglesey; and sent a large reinforcement to Payne de Canurfis into South Wales, to invade the castle of Ystratwy. In the mean time he resolved to attack the enemy with the main body of his army, by cutting through a wood to which Llewellyn trusted for defence, which he did so successfully, that he got into the heart of Llewellyn's territories before he was aware. Pitching his camp near the river

**A. D. 1277.** Dee, he ordered the castles of Rothland and Flint to be repaired or rebuilt; and the Welsh were obliged to retreat to the fastnesses of Snowdon. Edward resolved, before he attacked them there, to wait the issue of his naval expedition, and of the success of the forces under Payne de Canurfis. Both answered to his wish; the seamen of the Cinque-ports having landed in Anglesey, intirely subdued it; and Payne de Canurfis reduced the castle of Ystratwy, and brought the people of South Wales into a perfect submission to Edward's government.

Those successes disconcerted Llewellyn so much, that, finding himself in a manner shut up and besieged in Snowdon, he thought of making his peace. He, therefore, in a manner threw himself upon Edward's mercy, who at last granted him peace; but upon the following hard terms:

I. That all English prisoners should be released freely, without taking any thing from them. **and upon what terms.**

II. That, for this peace, and the king's good will, he should pay, at the king's pleasure, fifty thousand pounds sterling.

III. That four cantreds, and all the lands conquered by the English (except Anglesey) should be and remain to the king, and his heirs, for ever. And for Anglesey, the prince was to enjoy it, paying the king one thousand merks every year, the first payment to begin at Michaelmas then at hand; and, as a fine for his ingress or entry upon it, five thousand merks; and, if the prince died without heirs, the king to have the possession of it.

IV. That he should come to England to the king at Christmas, to do his homage.

V. That all the homages in Wales should be to the king, except those of five barons that lived in the confines of Snowdon; because he could not be called prince, unless he had some barons under him; yet this only for his life: but, after his death, the homages of those five barons should remain to the king, and to his heirs for ever.

VI. For the performance of these articles, he delivered to the king ten hostages of the best persons in Wales; but without being restrained, or disinherited. And the best men of every cantred, and of Snowdon, by consent of the prince, were to swear upon the holy relics, that, whensoever the prince broke any of those articles (unless, upon admonition, he presently amended) they were to leave him, and become his enemies.

It appears Edward was sensible that those conditions were too hard to oblige Llewellyn to performance upon the principles of honour or faith; he therefore remitted the fifty thousand pounds, and dismissed the hostages without ransom. Nay, he was afterwards

(1) Whereas Llewellyn, the son of Griffin prince of Wales, and his complices our rebels, have invaded our lands, and the lands of our subjects in the marches, and do daily invade them, and commit murders and other wickednesses; and the same Llewellyn refuseth to obey us as he ought, to the great prejudice and contempt of us, and to the manifest disinheritation and great damage of you (the person to whom the writ was directed) and other of our subjects; for which we have now caused our army (exercitum nostrum) to be summoned, that it be at Worcester eight days after St. John the Baptist, to repress the rebellion of the said Llewellyn and his assistants. We command you to be ready with your horses and arms, and with your service due to us, to go with us from thence against the foresaid Llewellyn, &c. Brady, vol. ii. p. 6.



A.D. 1277.

David, brother to the prince of Wales, married to the earl of Derby's daughter.

Walter Merton the lord chancellor dies.

generous enough to give up to Llewellyn his betrothed spouse, and was at all the expence of their nuptials. Llewellyn, on the other hand, released his two brothers, Owen and Roderic, out of prison, into which he had thrown them for taking part with the English; and was reconciled to his brother David, who was in high favour at the court of England, where he was knighted by Edward, who gave him in marriage the daughter of the earl of Derby, with the castle of Denbigh, and a thousand pounds a year besides. Matters being thus adjusted between Edward and Llewellyn, the king appointed Robert Tiptoft, with other two, to be his commissioners to take Llewellyn's oath for performance; while Robert Tiptoft, in his master's name, gave a reciprocal oath to the Welshman to the same effect. Edward then gave orders for building the castle of Lamp-dervaur, and returned to England, where the subjects were so well pleased with the success of his expedition, that the laity granted him in parliament the thirtieth part of their moveable goods to defray his expences. The nation at this time received a considerable loss by the death of Walter de Merton bishop of Rochester, late lord-chancellor, who falling from his horse into a dangerous ford, never recovered the cold which he thereby contracted.

It appears, from the conditions of the late peace, that Edward was firmly resolved to annex the sovereignty of Wales to the crown of England after the decease of Llew-

ellyn; and it is no wonder if both the prince and people of that nation were very uneasy on this head. Among other ridiculous traditions (what people without them!) the Welsh retained one, that the celebrated Arthur was still alive. It probably was to destroy this notion, which, with the populace, devoted to the memory of this hero, might have been fatal at that juncture, that Edward and Eleanor, in the beginning of the year 1278, undertook a journey to Glastenbury. There the body of Arthur remained, and now, by Edward's orders, was removed from his coffin, and exposed to public view, under the shew of doing them honour; for they were placed in the treasury of that monastery. And the leiger of Glastenbury says, that the bones of Arthur's queen Guiniver were taken up and exposed at the same time; the king declaring, that he intended to give them a more magnificent interment. Accordingly they were deposited by the high altar, with an inscription upon the coffin of Arthur, signifying, That these were the remains of Arthur, and that they had been viewed by the king and queen of England, in presence of the earl of Savoy, the elect bishop of Norwich, with several other noblemen and clergy.

Soon after Midsummer, Edward held a parliament at Gloucester, in which the statutes, since known by the name of the statutes of Gloucester, passed; an account of which, the reader will find in the notes (1), and which added a

A.D. 1278.

See p. 102. The remains of king Arthur and queen Guiniver are taken up by king Edward, and interred by the high altar at Glastenbury.

A parliament at Gloucester, and statutes made there.

(1) This act, the preamble says, was to prevent the great mischiefs, damages, and dishonours which the people had before suffered, through default of the law, in diverse cases. And therefore, in

Cap. I. Damages are given in assizes of novel disseisin, as well against the alienor of the disseisor himself; so that every one shall answer for his own time. And as for the rest of the chapter, concerning the damages that a disseisor shall recover in writs of entry, and novel disseisin, against him that is found tenant after the disseisor; as also those that shall be awarded in assizes of mort d'ancestor, cosinage, ayel, and beyel; and those costs and damages that shall be recovered by the demandant; since they are cases now obsolete, or at least but seldom occur, I only touch upon them.

Cap. II. This is in favour of infants, when they are to sue for their inheritance, that an inquest shall pass for them, notwithstanding their non age, and that without any limitation of time.

Cap. III. Whereas, before this statute, the heir of tenant by courtesy was debarred of his inheritance, by reason of the warranty of his father descending upon him; this act provides, That where tenant by courtesy aliens his wife's land, his sons, having no assets by descent, shall not be barred from recovering the land, by a writ de mort d'ancestor, of the seisin of his mother, although the father had obliged himself and his heirs by his deed to warranty. The rest is too tedious to be inserted.

Cap. IV. This chapter, concerning free farmers not paying estovers for two or three years together, being now obsolete, I shall say no more of it.

Cap. V. An action of waste is maintainable against tenant, by the courtesy in dower, for life or years; and the party attainted thereof shall lose the thing wasted, and recompense thrice as much as waste is taxed at. And as for waste done in the time of wardship (Mag. Chart. cap. 4.) shall be observed; and besides, the guardian shall recompense the heir for the waste done, if the wardship do not amount to the value of the damages before the heir's full age.

Cap. VI. This is concerning the right of an heir to recover by a writ of mort d'ancestor; but it is now out of use, and therefore I only mention it.

Cap. VII. If a woman alien her dower in fee, or for life, the heir, or he to whom the land ought to revert after her death, shall immediately recover by a writ of entry in the Chancery.

Cap. VIII. The chief matter in this is, That none shall have writs of trespass before justices, unless he will swear, that the goods taken away were worth forty shillings at least. There are several other rules concerning pleas in trespass, which, since they relate only to matters of practice, I refer to the statute.

Cap. IX. This takes away all writs of enquiry for the death of a man, whether he was slain by misfortune, or in his own defence, or otherwise without felony: and prescribes a better course for the speedy bringing to trial all such offenders, by keeping them in prison till the coming of the justices in eyre, or goal-delivery; who having put them upon the county, and upon finding it per infortunium, or se defendendo, the justices making such report to the king, he shall take them to his grace, i. e. pardon them.

Cap. X. The husband and wife, being impleaded in the king's court, shall not fourch, i. e. prolong an action by essoin, to more than partners, or two that hold in common.

Cap. XI. Provides against the fraud or collusion of the tenant of a free-hold within the city of London, that he shall not, by a feigned recovery, defeat the title to him that holds under him for term of years. But this being particular as to that city, I enlarge no more on it, but leave those concerned to the perusal of the whole chapter.

Cap. XII. Gives remedy to a tenant in London, vouching a foreigner to warranty, to have a writ out of Chancery, to summons his warrant before the justices at a certain day, and another writ to the mayor, &c. to surcease the matter before them, till the plea of the warranty be determined in the bench; then the plea to be returned into the city, &c. which I pass by further mentioning for the same reason. But there is a correction of this chapter in the statute-book which immediately follows the statute of mortmain, to which I refer the curious reader for their better satisfaction.

Cap. XIII. When a plea is moved in the city of London by writ, the tenant shall make no waste of estrepement of the land, hanging the plea; or, if he do, the mayor, &c. shall cause it to be kept at the suit of the demandant. The same law to be observed throughout the realm.

Cap. XIV. Provides remedy for the disseisors in London, viz. damages by recognizance of the same assize, whereby they recovered their lands; and the disseisors to be amerced before two barons of the Exchequer, who are to resort into the city to do it; and the amerciaments to be levied by summons of the Exchequer, to the king's use.

Cap. XV. The mayor and bailiffs (now the sheriffs) of London, before the coming of the barons, after Candlemas term, shall enquire of wines sold against the assize, and present it to them when they come; and the defaulter to be amerced; whereas they were wont to tarry till the coming of the justices in eyre. Obsolete. Tynel, vol. iii. fol. 192, 193, 194, 195-further



A. D. 1278.

Writs of quo  
warranto  
issued out by  
the king.

John earl of  
Surrey's noble  
title to his  
estates.

Edward re-  
ceives the  
homage of  
the prince of  
Wales.

Rymer, vol.ii.  
P. 124.

Alexander  
king of Scots  
does fealty to  
king Edward  
for his Eng-  
lish estates  
only.

farther degree of perfection to the municipal system of the English laws. The session of this parliament continued to an unusual length, no less than five weeks; and very possibly it was employed in some warm debates regarding the possession, and ascertaining of property. For we find that, soon after it rose, several great subjects were served with writs of quo warranto, that is, to shew by what title they held their estates; and, among the rest, John earl of Warren and Surrey was cited to appear before the king's justices for that purpose. That nobleman appeared accordingly, and being called upon to produce his right, pointed to his family sword, which he brought into court: "With this sword, said he, my ancestors, who came in with William the bastard, won their lands; and by the same will I defend them. It was not for himself that William conquered; it was not for him alone that my ancestors fought." Edward was sensible that this great nobleman spoke the sentiment of almost all the old nobility in England, who, like him, at that time had only their swords to shew as the best titles to their estates; he therefore wisely dropped the enquiry, the rather as he was again on the point of being embroiled with the prince of Wales. For Llewellyn, notwithstanding the late pacification, still declined to attend the English parliament, as he had been summoned to do by Edward. The king, therefore, went down in person to the borders of Wales, and though but slenderly attended, Llewellyn was struck with so much dread, that he made his submission in person, and several plausible excuses for his former non-appearance. He then attended Edward as far as Worcester with his new bride, and from thence to Westminster.

The money which had been raised still falling short of Edward's necessities, he applied to pope Nicholas for the tenth of all ecclesiastical revenues; which was granted, provided Edward should undertake another expedition for the relief of the Holy Land; and a bull for that effect was directed to the English prelates. Soon after this, Alexander king of Scotland, who had been very serviceable to Edward in his expedition against the Welsh, repaired to the court of England, where the parliament was to sit about the middle of October.

In this parliament that prince did homage to Edward; but not for the kingdom of Scotland, as plainly appears from a salvo which Edward put into the charter, for the homage of the kingdom of Scotland, whenever it should be claimed by Edward or his heirs: a proof that the kings of England had never lost sight of this claim. Walsingham tells us, that he obtained, at the same time, from Edward, a charter, testifying, that the service he had then performed against the

Welsh under Edward, was not in consequence of his service he owed as a vassal to the English crown. But it seems pretty unaccountable that, when Alexander came to perform the oath of fealty, he desired to be excused from doing it in person, and substituted in his place Robert Bruce earl of Carrick. In the same parliament the affair of the coinage came under consideration; and Edward finding that the money had been greatly impaired and clipped by the Jews, all that nation residing in England were imprisoned in one day. Their houses being next searched, a considerable quantity of the clippings was seized, and carried to the king's exchequer; and the delinquents being found guilty, by commissioners appointed for that purpose, two hundred and eighty of them suffered in London, besides many of their Christian accomplices, and besides those who suffered in other parts of England.

Some differences, about this time, broke out again between Edward and Gaston de Bern at the court of France, whither Edward was now making preparations to repair, that he might take possession of the earldom of Ponthieu, which had fallen to his queen by the death of her mother the queen of Castile. In the beginning of the year 1279 every thing was got ready, and all precautions taken, that the peace of England might not suffer during Edward's absence. A commission was issued out to make up some differences which had happened between the king of the Scots and the bishop of Durham, and another for concluding a treaty of marriage between the eldest son of the duke of Brabant, and Margaret, Edward's daughter. At last, the bishops of Worcester and Hereford, with the earls of Cornwall and Lincoln, were appointed the king's lieutenants during his absence in France; and, about the feast of Ascension, he passed over thither, where he was honourably received by that court. His stay and that of his queen there was very short, and both of them having performed their homages, they received from the French king a full confirmation of their rights to all the lands they held in that kingdom. Edward, on his part, confirmed the treaty of Abbeville, and both parties carried into execution the eventual parts of it, which were to depend upon deaths or other accidents. We likewise find, that Edward engaged to pay to the king of France six thousand pounds out of his wife's heritage. All matters were next made up between Gaston de Bern and Edward; and the latter, in consequence of the treaty of Abbeville, being put in possession of Agen, returned to England about Midsummer.

The affair of the coinage took up his first cares after his return, and it was put upon a new and better regulation (1). A magnificent tournament at Warwick succeeded this, ex-

A. D. 1279.

Rymer, vol.ii.  
P. 126.

Jews executed  
for clipping  
the coin.

Edward and  
his queen do  
homage to  
the king of  
France,

[See p. 787.]  
and confirm  
the treaty of  
Abbeville.

The coinage  
regulated.

A tournament  
in memory of  
king Arthur's  
round table.

(1) The penny, before this king's reign, was stamped with a deep cross quite through the midst of it; so that it might be divided, according to people's occasions, into halfpence and farthings. The king now ordered a new penny to be coined, which was called the penny-round. These were of the same value with the former, viz. four-pence sterling; and a pound of silver being then worth three pounds, weighed also a pound weight. But you are also to observe, that this new coin was called the round-penny, not as if the old pieces had been also coined of the same figure; but because, being now stamped without



A. D. 1279. **hibited by Roger de Mortimer with a hundred knights, in memory of the celebrated king Arthur's round table.**

A parliament at Westminster, where the statute of mortmain is passed.

About the beginning of November, this year, a parliament was held at Westminster, where the famous statute of mortmain was passed. This was one of the boldest, as well as most politic, measures the English government had ever ventured upon. The inactivity of the clergy in supporting the civil power in times of public exigency, had been generally, though not effectually, complained of. The influx of foreign religious, but especially hospitallers and templars, was daily increasing in England; and the law, at that time, had not taken sufficient precaution against the collusions entered into between the clergy and the laity, who wanted to change their tenures from knight-service to clerk-service. According to Bracton, the right of the lord paramount in his tenure could not be affected by any gift to the church, even in franck almoyn, or free alms; but, at the same time, a man might have made a gift to any person, whether Christian, Jew, or religious; and nothing could hinder it but the special reservation of the donor. In those cases, it was common for the resigner of his fee to receive it back from the religious, and thus holding immediately of them, they pleaded an exemption from many civil offices, particularly the former lay-lords lost their wards, marriages, and reliefs. It is true, the paramount lords might have had relief in law for the lay-services due to them in the field, or in levying escuage out of the fee; but this was often very troublesome, particularly by an invention of the templars and hospitallers, who claimed a kind of right to protect effects and lands from civil execution, by erecting crosses upon them. The king perceiving that if this was encouraged, or suffered to proceed, an universal languor must soon seize the military strength of his kingdom, by its sooner or later falling into dead hands, or mortmain; he therefore passed the statute which still

bears that name. Add to this the excessive donations made to the church, which never were alienated, but were daily increasing. As to the words of this celebrated statute, the reader may consult the notes (1).

The year 1280, on the face of our history, is very barren of civil events; we must, therefore, endeavour to supply them from our records, which our historians have neglected. Edward was remarkably grateful to the memory of his cousin Henry, son to the king of the Romans, both by his kindness to his widow, and by his zeal to bring to justice his murderers. He had learned, that Guido de Montfort, after he had been excommunicated by the pope, had taken refuge in Norway. Edward, therefore, applied to the great men of that country, and entered into bond for the payment of two hundred merks, provided they could seize upon the delinquent, who it seems, understanding the negociation, had kept himself private. Edward at the same time received a very polite letter from the seneschal of Norway, who gave him the strongest assurances of his readiness to serve him in that affair. But Amey or Americ de Montfort, who had been taken as he accompanied his sister into England, and was a clergyman, continued still a prisoner, though we find his liberty strongly solicited by the pope himself. Edward likewise extended his cares to other relations of his own family; and seems to have laid it down as a maxim at this time, not to embroil himself in the affairs of the continent. Some differences having happened between the courts of France, Castile, and Arragon, Edward negotiated so effectually with his brother-in-law the king of Castile, that the latter consented to a truce with France, and to become as it were a mediator between the king of Arragon and Philip of France, for restoring the peace of Europe. The truce was to continue till the Christmas of the year 1280. But Edward's farther mediation was declined, and that of the prince

Edward engages to pay two hundred merks to the Norwegians to seize Guido de Montfort, who had taken refuge in that kingdom.

without any such deep crevice through the middle, they could not be any more divided as they were before: and at this time there was no more than one sort of silver coined in England, viz. pence. Tyrrel, vol. iii. p. 32.

The reader will not be displeased to find a description of this alteration of the coinage in the rhymes of that, or the succeeding reign:

Edward did smite round-penny, halspenny, farthing:  
The cross passes the bound of all throughout the ring;  
The king's side was his head, and his name written;  
The cross, what city it was in, coined, or smitten.

To poor man, ne to the priest, the penny fraises nothing;  
Men give God ay the least, they feast him with a farthing.  
A thousand, two hundred, fourscore years and moe,  
On this money men wonder'd, when it first began to go.  
Stowe's Hist. p. 201.

(1) Whereas of late it was provided, That religious men should not enter into the fees of any, without the licence and will of the chief lords, of whom such fees be holden immediately; and notwithstanding such religious men have entered as well into their own fees, as into the fees of other men, appropriating and buying them, and sometime receiving them of the gift of others, whereby the services that are due to such fees, and which at the beginning were provided for the defence of the realm, are wrongfully withdrawn, and the chief lords do lease their escheats of the same. We therefore, to the profit of our realm, intending to provide convenient remedy, by the advice of our prelates, earls, bishops, and others our subjects, being of our council, have provided, made and ordained, That no person, religious or other, whatsoever he be, that will buy or sell any lands or tenements, or under the colour of gift or lease; or that will receive, by reason of any other title, whatsoever it be, lands or tenements; or, by any other craft or engine, will presume to appropriate to himself, under pain of forfeiture of the same, whereby any such lands or tenements may anywise come into mortmain. We have provided also, That if any person, religious or other, do presume, either by craft or engine, to offend against this statute, it shall be lawful to us, and other chief lords of the fee, immediately to enter into the lands so alienated, within a year from the time of the alienation, and to hold in fee, and as inheritance: and if the chief lord immediate be negligent, and will not enter into such fee within the year, then it shall be lawful to the next lord immediate of the same fee, to enter into the same land within a half year next following, and to hold it as before is said; and so every lord immediate may enter into such land, if the next lord be negligent in entering into the same fee, as is aforesaid: and if all the chief lords of such fees, being of full age, within the four seas, and out of prison, be negligent or slack in this behalf, we, immediately after the year accomplished from the time that such purchases, gifts, or appropriations hap to be made, shall take such lands and tenements into our hands, and shall infeoff other therein by certain services to be done to us for the defence of our realm; saving to the chief lords of the same fees their wards and escheats, and other services thereunto due and accustomed. And therefore we command you, That you cause the aforesaid statute to be read before you, and from henceforth to be kept firmly, and observed. Witness myself, at Westminster, the 14th day of November, the seventh year of our reign. Collier, vol. i. fol. 480.



A. D. 1280.  
Rym. p. 151.

Guido de  
Montfort in  
France.

Edward or-  
ders the effects  
of the mer-  
chants of Zea-  
land to be ar-  
rested.

Is invited to  
the confer-  
ences between  
the kings of  
France and  
Castile.

Confirms the  
gift of Guild-  
hall to the  
German mer-  
chants.

of Salerno, as being more indifferent to all parties, accepted of. A conference between the two monarchs, to which Edward, however, was invited by the king of France, was afterwards held at Mount Mirian; and Edward gave orders for the friendly reception of the king of Castile within his French dominions. Edward, in the mean while, was not a little piqued at the preference of the mediation being given to the prince of Salerno, and wrote a very polite letter of thanks to the king of France for his invitation; but could not help reflecting, in a rallying manner, on the delicacy of his brother of Castile's friendship, in relieving him from the trouble of a mediation. It seems about this time Guido de Montfort had returned to France, and had prevailed with the prince of Salerno to write in his favour to Edward; but Edward, in a very handsome manner, declined entering into any negotiations with such a person as Guido; though he made the prince of Salerno the compliment of being willing, on his account, that Guido should lay any propositions he had to offer before his brother's agent in France, to be, by him, transmitted into England; adding, that he would then communicate them to the relations of the family whom Guido's crime affected, without whose consent he would do nothing in the matter.

Edward, equally watchful for the interests of his subjects, as for the honour of his family, had ordered the goods and effects of the merchants of Zealand trading to England to be arrested, for certain offences by them committed; but the earl of Zealand, apprized of the matter, applied to the court of England, and, upon offering to make satisfaction, had the arrest taken off. Edward was setting out upon a progress to the north of England, when he received a fresh invitation from the king of France, to be present at the conferences between him and the king of Castile; but Edward again excused himself, for this remarkable reason, "That, at the time of receiving the said letters, his noblemen, by whose advice his kingdom was generally governed, were then dispersed in several quarters of the kingdom; so that it was impossible for him to summon them together, for their advice, time enough for him to be present at the conferences (1)." Edward's friendship was likewise courted by the king of Castile; and, about this time, he appointed a conference with him, at his desire, to be held at Bayonne next Easter. It is probable that Edward, this year, continued till the beginning of winter in the north, since we find all his letters, from the middle of July to the eighteenth of November, dated from Richmond, York, or Langley, which he took in his way to the north. Soon after his return from the north, he confirmed to the merchants of Germany all their rights and privileges; and particularly the gift which they had received of Guildhall from his fa-

ther Henry, upon the application of the king of the Romans. Such are the particulars that we are able to glean up of this year, which makes so poor a figure in our history, that the most important civil fact it records is, that Edward this year ordered a magnificent tomb to be erected at Westminster, to the memory of his father.

But the year 1281 opens a much more busy and important scene of action. Prince Llewellyn's wife, for whom Edward had a great regard, was now dead, and thereby the bond of union between the two people was broken. But indeed it cannot be denied that Edward's jealousy of the Welsh prince had made him wink at such oppressions of his officers upon that people as were beyond human patience. Llewellyn sent his remonstrances in a very free manner against those oppressions to the court of England. He pleaded, that the king had retained several lands in Arustly, between the rivers of Dyui and Dulas, which, though by stipulation, their property was to be examined by the laws and customs of Wales, yet were detained by Edward, without his (Llewellyn) having the least opportunity of proving that they ought to be put into his possession according to those laws. He farther insisted, that he had been summoned to places, at which, according to the nature of treaties between him and the court of England, he was not obliged to appear; and that the king himself at London had denied him justice, unless he would submit to be judged by the laws of England, contrary to subsisting treaties.

The next article of his remonstrances complained, that the English justices on the Welsh borders insisted on satisfaction for offences committed before the commencement of the said treaty, which contained in it a clause of indemnity and pardon for all that had passed before it commenced. The third article related to a complaint in private property. The fourth, to new customs introduced into the four cantreds, contrary to the foresaid treaty. The fifth related to the like infractions with regard to Anglesey, where the English judges had acted in an arbitrary manner, and inconsistent with the laws of Wales. The sixth is trifling. The seventh complains of extra-stipulated money, which the prince was obliged to advance to the queen and the queen mother. The eighth complains of a writing which he was forced to sign when he was in England, by which he was obliged to give no protection to any person disagreeable to the king of England, the consequences of which, he very properly said might be his being deprived of all his faithful friends, and best subjects. The ninth article regarded the infraction of the above-mentioned clause of mutual indemnity before the commencement of the treaty. The tenth, to some violations of the same. The eleventh, to the violences committed by the king's officers refusing to settle all differences re-

The remon-  
strances of the  
prince of  
Wales against  
the oppressions  
of the English  
court and  
officers.

(1) Verum in receptione literarum ipsarum, magnates regni nostri, per quorum consilium pro majori parte regitur regnum nostrum, ad diversas et remotas partes regni nostri erunt dispersi; propter quod ipsos congregare, et de statu regni nostri infra tempus prædictum ordinare, et ibidem venire minime valeremus. Rymer, vol. ii. p. 158.



**A. D. 1281.** guarding the marches themselves, and their shutting up the prince's officers in prison. And the whole concluded with a complaint, that the said treaty had been in no respect observed by the king's officers, particularly the chief justice of Chester, who had shewed himself arbitrary, partial, and oppressive in his proceedings.

No regard having been had to those complaints, the chief men of Wales applied to David, brother to Llewellyn, who likewise had his reasons of discontent with the court of England, to head them in the field, his education having been more martial than that of his brother. Though some differences were then subsisting between Llewellyn and David, yet the latter generously offered to sink all in the common interest of their country, provided his brother would promise and swear ever after to be at enmity with the court of England, and not to repeat his compliances with it, till their country had received full satisfaction for its wrongs. This being complied with, David put himself at the head of the Welsh, took the castle of Haer-wardin, besieged that of Rothland, and, by their generals, reduced Aberistwyth (otherwise called Lampader vaur) a strong fort, severely retaliating, upon all the English they had in their hands, the injuries which they thought their own subjects had suffered.

*Success of the Welsh.*

This success animating the Welsh, Edward dreaded the consequence, and resolved to make all other business of government subservient to a total subjection of their spirit, and of the independency they affected to re-assert. He raised all the force of England, he removed his courts of justice from Westminster to Shrewsbury, and thence advanced to raise the siege of Rothland castle. The Welsh were wise enough not to stand a battle with his disciplined veterans; they retired to the mountains; and the king foreseeing the difficulties of his farther progress, consented that the archbishop of Canterbury should endeavour to bring them to a better temper. Llewellyn and his council very honestly gave in writing the substance of the fore-mentioned grievances, which if redressed, they promised to enter into a lasting peace with England. But to those were added some particular grievances suffered by David, to whom, for his faithful and brave services, Edward lay under great obligations. These being of the same nature with those above recited, are too minute to be repeated here.

*Reflection.*

The laws of history oblige me to observe, that though the circumstances of complaint brought by the Welsh were strongly and circumstantially urged; nay, though the archbishop himself seems to have been convinced of the injustice done them, by urging the king to give them satisfaction; yet we find no answer given to that brave people, but what came from the point of the sword. Nay, when the archbishop only requested that the Welsh might have free access to lay their grievances before the throne, Edward's ambiguous answer was, "That they might freely come, and depart, if it should ap-

pear that, by justice, they deserved to depart in safety." The archbishop, unwearied in his pacific labours, repaired to Llewellyn, and endeavoured to soften him into some advance. That prince's answer, on this occasion, was worthy of British blood. He said, That the measure of his submission should be directed by the safety of his people, and the dignity of his own station. This answer being reported to Edward, he was so far from accommodating it to the opening of a treaty, that he made it the basis of irreconcilable enmity: for he declared, That he never would put up the sword till the prince and his people should, without any terms, absolutely submit themselves to his pleasure.

**A. D. 1281.** Llewellyn's answer to the archbishop of Canterbury.

The archbishop found Edward too determined in this point to take any advice but that of his council. An extraordinary meeting of the nobility, therefore, being called, Edward soon gave them to understand, that he was resolved to be satisfied with nothing less than the extirpation of the Welsh, their principality, and all their remains of independent government. If this could be effected without bloodshed, he was contented; and therefore the archbishop of Canterbury had leave to propose, in his name, one set of articles, which related to the Welsh, and another, which was to be private, relating to that prince. I am sorry to observe, that both of them were very unbecoming a king, who had any other principle than ambition, to propose. They are as follow:

First, That of the four cantreds, and the lands by the king given to his nobles, and the isle of Anglesey, he will have no treaty about them.

*Articles proposed by the archbishop of Canterbury, on behalf of the king, to the prince of Wales.*

Secondly, As to the tenants of those four cantreds, if they will submit themselves, he proposeth to do as becometh a king; and we verily believe he will deal with them mercifully; and, to that end, we will endeavour, and trust to obtain it.

Thirdly, As touching the lord Llewellyn, we can have no other answer, but that he shall submit himself wholly to the king; and we certainly believe he will deal mercifully with him; and, to that end, we labour all we can, and verily have great hopes to be heard by him.

The following articles were to be proposed to the prince in private:

First, That the nobility of England have contrived this favourable method of peace, that the lord Llewellyn should submit himself to the king; and that he should allow him an honourable maintenance of a thousand pounds sterling, with some county or earldom in England, provided the said prince would put the king in quiet possession of Snowdon; and then the king will also honourably provide for the said prince's daughter, according to her quality and near relation to him.

Secondly, Also if it shall happen that prince Llewellyn should marry another wife, and have by her an heir male, they hope to entreat the king that such heir, and his heirs, shall have the same thousand pounds per annum, and county, settled upon him for ever.



A. D. 1284.

Lastly, As to the people subject to the said Llewellyn, the king will provide for them as becometh their estates and condition; and to that the king is well inclined.

Next follow the articles which were secretly proposed to David, brother to Llewellyn; which were as follow:

First, That if, for the honour of God, he will go to the Holy Land, he shall be set out and maintained by the king, according to his quality, provided he do not return unless he be recalled by the king. Then follow diverse motives why David and the Welshmen should not submit, since a much greater peril now hangs over them than when he (the archbishop) was with them. And though these conditions may seem grievous, yet it is a great deal worse to be subdued by arms, whereby they and their families may be extirpated, since their danger increases every day more and more: and that it is a miserable thing to be always in war, in anguish of mind, and danger of body; to live in rancour and malice, and to die in deadly sin.

Lastly, The archbishop declares, that unless they do agree to peace, he must issue the sentence of excommunication against them; whereas, if they will agree, they will find grace and mercy.

A very little observation will convince any reader, that Edward regarded no other reason but the last arguments of kings, when he made those demands. The Welsh were sensible of this. Llewellyn, in his answer to the primate, took notice how dishonourable the proposed terms of submission were; and that, as he was not absolute within his own dominions, his nobility and council, even if he were willing, would never be brought to submit on such conditions. He concluded with beseeching his holy fatherhood, the archbishop, to lay before the king the inclosed articles, which might serve as a basis for a peace.

The first of those articles implied, That though the king had declared he would enter into no conference about the conquered cantreds, yet that the nobility of Wales were equally determined to admit of no terms of peace, unless they were comprehended in the treaty: adding this reason, which runs almost through all the other articles relating to possession, That they had belonged to the princes of Wales from the time of Camber, the son of Brutus; and that the possession of them had, with the consent of the king and his father, been confirmed to the prince by the legate Ottobon.

Secondly, They urged, that the king having never kept one single article, grant, covenant, or oath, which he had made to the people, or the prince of Wales; and having acted the tyrant over the church and churchmen, the tenants of the cantreds affirmed, that they durst not submit themselves to his pleasure.

In the third place they urged, That they themselves were the immediate tenants of the prince, and therefore not bound to make any immediate submission to the king, but with and by that service.

Fourthly, They declared, that as the prince's honour was theirs, they were collectively determined not to suffer their prince to make those submissions to the king, which none of them, as individuals, durst venture to do.

By the fifth and sixth articles they reject, with disdain, the provision of the thousand pounds a year for the prince out of England; since it could not be supposed that the king, after having deprived him of his paternal estates in Wales, would suffer him long to enjoy a precarious subsistence in England.

By the seventh and last articles, the nobility of Wales, and the inhabitants of Snowdon, declare their resolutions never to suffer that country, which since the time of Brute had been possessed by British princes, to become an acquisition to a king of England, whose tyrannical treatment, by his bailiffs and officers, of the people in the conquered cantreds, give them to apprehend all manner of misery under the government.

To those articles were added the reply of prince David, which is writ with a great air of modesty and resolution, and is indeed very touching. He informs the archbishop, That if he made a pilgrimage to the Holy Land, it should not be by compulsion; forced devotion having no merit with heaven. He adds, That as neither the lust of dominion nor of wealth, but a regard for religion and liberty, had put arms into their hands, against those who would be guilty of the most crying inhumanities, by butchering priests, and murdering children hanging at the breasts of their mothers, they were resolved to trust the event of their cause to the justice of heaven. He took notice, That nothing was less eligible than the calamities of war, excepting the living in such a state of dependance and slavery as deprived them of the noblest characters of human nature; and that such was the state to which the ambition of the English court sought to reduce them. As to the archbishop's threats of excommunicating those who through the motives of hatred or gain hindered peace, he appeals to facts, who they were that make war on such motives? On our side, said he, the fear of death, and perpetual imprisonment; together with the constant breach of all promises, grants, and charters; and, in short, a most tyrannical dominion have and do compel us to make war: all which we solemnly declare before God and your lordship, humbly imploring your godly and charitable help to remedy these mischiefs.

The sentiments of the two powers being thus found incompatible, the truce which had hitherto subsisted was declared to be at an end, and the prince with his party to be excommunicated. It were highly to be wished, for the honour and justice of the then English government, that a clear deduction, on their part, of the reasons for their conduct at that time, had come to our hands. It is true, that I find in our records a charter, dated the 6th of June this year (if the record is not misplaced) by which it appears, that an inquest had been held by the bishop

The answer of Llewellyn, and of the Welsh nobility to the above articles,

A. D. 1281.

and of prince David.

Reflection.



A. D. 1281. shop of St. David's, Reginald de Gray, and others, concerning the laws and customs of Wales, which Edward, by the said charter, enjoined should be observed: but this very charter is in some measure a proof, that the Welsh did not complain without reason, since redress ever supposes injury. Besides, we are to observe, that Edward, notwithstanding all his preparations, found that he could this year make no progress; nay, there is reason to believe, by his undertaking nothing after raising the siege of Rothland-castle, that he was very glad of a respite, by means of such a charter as this, till he should be in a condition to prosecute the war with more advantage.

Historians have taken little notice, this year, of any other civil transactions besides those of Wales; and indeed it appears from our records, that they employed the chief attention of the court. Edward, however, still cultivated a correspondence with the princes of the continent. John de Greyliac, his resident at the court of France, appears to have been a vigilant and prudent minister; and to have taken so good care of his master's business, that he was in high esteem with Philip. Otho de Gradison, and Mr. Joel Derby dean of Litchfield, were likewise employed by Edward, in the beginning of this year, for mediating a peace between the king of the Romans and the earl of Savoy, which seems to be very much at Edward's heart.

Edward's correspondence with the princes of the continent.

Rym. vol. ii. p. 162, 163, 164.

But it appears he was so much set upon the Welsh expedition, that all his views were to keep his affairs unembroiled upon the continent, so as that they might not require his presence. For this reason we find him making his excuse to the king of Castile for not meeting him, according to appointment, upon the confines of Gascony; and accommodating, by his agents, all differences between him and his French subjects. We likewise find him, this year, instructing his ministers, John de Lacy and Anthony Bec, that they would press to a conclusion the treaty of marriage which had been opened between his daughter and the eldest son of the king of Arragon. These instructions are dated from Chester, the 19th of June; and, in their close, he desires them not to be alarmed at the report of the Welsh insurrection, because their strength decreased daily; nor did he presume that they had abettors. But this was not the only marriage which Edward had in his eye for strengthening the interest of his family; another was at the same time negotiating, for contracting his eldest son Alphonso, a child of seven years of age, and Margaret the daughter and heiress of Florence earl of Holland, who it seems was then in England. The concessions made by the earl, upon this occasion, were prodigiously advantageous to Edward: he offered to divide his territories into two portions, of which Edward should have his choice, and to put Alphonso in possession of one of them immediately upon the marriage; stipulating withal, that in case he should die without male issue, his daughter Margaret should be heiress of the whole; and that his other daughters, if

he left any, should be entirely at the disposal of the court of England.

A. D. 1282.

Edward's preparations against the Welsh.

In the year 1282, Edward's affairs being in perfect tranquility on the continent, he resolved to collect all his strength against the Welsh, who were now exulting at the small progress they had hitherto made. He had kept his Christmas at Worcester; but intending to open the campaign very early, he went next day from thence to Kempsey abbey; and, as soon as the season would permit, he entered upon action, but at first with very bad success: for David, the Welsh general, harassed his troops so, that he lost, in the beginning of the summer, a great number of men, particularly the son of William de Valence his own uncle, with the lord Richard de Argenton, and no less than fourteen ensigns; so that Edward was obliged to retire to the castle of Devises, from whence he issued out fresh writs to his great barons, to attend him with their forces, to march against the Welsh on the Whitsunday following. At the same time he intimated to all foreign princes, particularly the kings of Castile and France, that it was impossible for him to perform his engagements with them, until he had suppressed the Welsh rebellion. On the 20th of May, this year, we find him at Worcester, issuing summonses for the attendance of his ecclesiastical barons, with their military force; and even the lady abesses are summoned, with others. Fresh summonses, for the same purpose, were issued out on the 24th of May; and one in particular to Robert Bruce, lord of Annandale, the same, I apprehend, who was earl of Carrick. To conclude with his preparations, he was wise enough to order his brother the earl of Cornwall, and the magistracy of the city of London, not to suffer a penny of the money which had been collected for the relief of the Holy Land to be carried out of the kingdom; and that upon pain of death, loss of limbs, or confiscation of goods. A like writ was directed to the barons of the Cinque-ports. Even the Scots, upon this occasion, offered their services; and Gaston de Bern desired to have the honour of serving in the expedition. But, notwithstanding all those vigorous preparations, Edward was obliged to keep on the defensive within some or other of the castles in the marches, till at last he bethought himself of dividing the principality of Wales among his great men. This probably had a better effect than all the summonses he had issued; but it was towards the end of autumn before he was able to do any thing effectually. For, on the 15th of July, we find him at the castle of Rothland, from whence he ordered the sheriffs of all the neighbouring counties to send him a certain number of hatchet-men (some a hundred, some two hundred, according to the extent of the counties) for cutting out roads through the woods of Wales. Every thing being in readiness, he put himself at the head of his army: he marched from Rothland castle, near St. Asaph in Flintshire, towards the river Conwy, which he probably proposed to pass, and either to force the

Robert Bruce, earl of Carrick, summoned to assist king Edward in subduing the Welsh.

Edward's policy.

Alphonso, king Edward's son, contracted to the heiress of Holland.



A. D. 1281.

the Welsh to leave Snowdon, and give him battle; or to get between them and the coast, and so penetrate into the isle of Anglesey by Bangor. But, to leave as little as possible to fortune, he sent a strong detachment of marines and other forces, on board the ships of the Cinque-ports, to attack the isle of Anglesey, where the English had many friends ready to declare in their favour. This service was performed with all imaginable success. But Edward, in the mean time, found his march from the river Conwy more difficult than he imagined, and that there was a necessity for his troops in Anglesey to pass over Meneu frith into the continent; and thereby, by attacking the enemy in the rear, to give them such diversion as should facilitate the junction of the two bodies of the English in the very heart of the enemy's country. This could not be done without forming a bridge of boats over the frith of Meneu, at low water, opposite to Bangor, by which they proposed to pass. Some of the monkish historians, particularly the author of the Waverly annals, and Matthew of Westminster, have supposed this bridge to have been built by the king, and over the river Conwy. But, besides its being called the bridge of Anglesey in the annals of Worcester and other authors, the description given us by the annals of Waverly, of the great preparations required to form this bridge, agrees with a wider river than that of Conwy; Camden having observed, that that river is confined, almost to the mouth of it, within a very narrow and rocky channel. We are therefore to suppose the scene which then happened, to have been on the bridge laid across Meneu frith. For some English and Gascon noblemen, who served under Edward, despising the Welsh through the easy conquest they had made of Anglesey, passed the bridge with a considerable body of troops. The enemy, knowing the nature of the frith, which would soon swell, and cut off their retreat to the bridge, did not at first oppose this passage; but when a sufficient number had got over, they attacked the English with so much fury, that they lost no fewer than fifteen knights, thirty-two esquires, and one thousand common soldiers. The principal among the slain were Lucas de Thorcy, who commanded the Gascons; William de Dodingeseles, and William de la Zouch. The lord William Latimer, who commanded the English in this detachment, swam back by the stoutness of his horse, and regained the bridge. The Welsh general, that day, was named Richard ap Walwen.

Lays a bridge of boats over the frith of Meneu.

Several of the English army killed by the Welsh.

Lib. Peterburgi.

Edward's difficulties.

This action effectually cut off the junction of the two bodies by land; and Edward would have found it impracticable to have forced the enemy to have hazarded a battle, had it not been that their late success threw them off their guard. The earl of Gloucester, one of Edward's generals, had gained several advantages over them in South Wales; but being obliged to retire, the Welsh sufficiently revenged themselves upon the adherents of Edward in that country.

In the mean time, the war on the part of

the English seemed to be at a stand; and though Edward was still able to keep the communication open with his English dominions, yet the thoughts of returning without absolute conquest, was, to him, worse than death. He therefore ordered summonses to be issued, which, as they were of a very extraordinary nature, we shall here transcribe.

The king issues out writs.

The king to the sheriff of Norfolk and Suffolk greeting.

"Whereas Llewellyn, the son of Griffin, and other Welshmen his accomplices, our enemies and rebels, have so often, in the times of us and our progenitors, disturbed the peace of England, and do still continue in the same course; and for that, by the advice of our great men, and the whole community of the land, we propound finally to repress their rebellion and instability, so as it shall not be in their power to disturb the peace of the nation when they please, although that it seems to be a very great charge, and a most difficult undertaking: We therefore command that you cause to come before us, on the octaves of St. Hillary (i. e. January the 20th) at Northampton, or before our commissioners, all those of your bailiwick that have twenty pounds a year, and upwards, who are able and fit to bear arms, and who are not at present with us, in our expedition against the Welsh; and four knights of each county, for the community of the same counties, having full power from them; and also of every city, borough, and market-town, two men for the commons of the same, to hear and do things, which, on our behalf, we shall cause to be shewn unto them. As witness the king at Rothland, the 24th day of November, in the eleventh year of his reign."

The like precept was sent to the sheriffs of all counties in England, to cause to meet, &c. at Northampton; except to the sheriffs of Yorkshire, Cumberland, Westmorland, Northumberland, and Lancashire, who were, by like writs, commanded to cause all orders of men to meet at York.

The like writ was directed to the archbishops of Canterbury and York, with orders for them to summon together all their clergy for the same purpose. Though it must be owned, that this was no regular parliament which was thus summoned, yet it discovers the great regard which Edward had of the sense of his people: it was a collective body (if we may say so) of all the men of property in the kingdom, possessing above twenty pounds a year; while those who had less, were to be present by their representatives. Upon the whole, had those meetings taken effect, they would have been the most numerous of any since the dissolution of the Anglo-Saxon government; and from them we may perceive the prodigious difficulty which Edward had met with, and still expected to meet with, in this expedition.

But



A. D. 1282.

A. D. 1282.

But Edward's fortune, and the over-boiling of British blood, rescued him from the necessity of such applications. Unable to advance, and ashamed to retire, he perhaps would have listened to the propositions of the Welsh, had they not, puffed up by their success, thought that now the time was come when the doughty prophecy was to be fulfilled, That their prince was to wear the crown of Brute, that is, of all Britain. They urged Llewellyn to fulfil the will of the fates, by shewing himself worthy of that distinguished honour, and attacking the English in his turn. He knew this was impracticable without farther reinforcements; and as he had entered into a large correspondence with many of Edward's subjects, both in South Wales and on the marches, he resolved to assemble all the troops he could for one decisive blow. He therefore left his brother David to keep the passes of the mountains, and detached himself with a small body into South Wales, to confer with those of his party whom he thought his success would now encourage to declare themselves in his favour. It is more than probable, that his march was discovered to Edward. He immediately sent orders to lord Edmund Mortimer and John Gifford, who lay with a body of forces on the marches of South Wales, to intercept him. Llewellyn, thinking himself entirely secure on the south, thought of nothing but securing his retreat northward. For this purpose he left the main body of his detachment at a place called in the annals Orewyn, a bridge which secured the passage over the river Wey. He then rode, attended only with one servant, to the place of the conference, which was in the cantred of Buelt. It was not long before he heard that his guards, at the bridge, were attacked by a party of the English, under lord Edmund Mortimer and John Gifford. He made all the haste back he could to head his men, who made a gallant resistance; but, before he could come up to them, the English, not being able to force the pass at the bridge, had sent a party to a ford, discovered to them by a treacherous Welshman, where they passed. Thus the brave Welsh were attacked both in the front and rear, and Llewellyn was cut off from returning to his troops. He did all he could, however, to join them; but was pursued by one Adam (some say Stephen) de Francton, who, not knowing who he was, run him with a spear through the body. He then left him as a cheap conquest till, after the heat of the action was over, he might strip him at more leisure. Returning for this purpose, and examining the body (which was not yet breathless) more narrowly, he knew it to be that of Llewellyn, which caused an inexpressible joy throughout all the English camp. The poor prince called for a priest with the small remains of life he had; and a white friar being present, he had that benefit. Upon stripping his body, they found in his trowsers a paper in a kind of cypher, a transcript of which the lord Edmund Mortimer immediately sent to the archbishop of Canterbury, who was in

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Pembrokeshire, and transmitted it (probably by sea) to Edward, who still continued to lie with his army near the abbey of Conwy. This paper, together with a letter or two discovered at the same time, made it evident that Llewellyn had entered into some dangerous correspondences with certain noblemen of the Welsh marches; but Edward prudently made no enquiries, lest he should give new rage to a flame which he was now in hopes to extinguish.

Thus fell Llewellyn, in the noblest cause for which a man or a prince could die, in endeavouring to retrieve the independency of his people. Had he survived that day, it is hard to say what might have been the event. He has, by English authors, been accused of inconstancy; but with how much justice let the reader determine, who shall find the strongest acts of oppression urged in excuse of his hostilities against the English, and not one argument against him, but those shameful ones which were advanced by the longest sword. Here every generous Englishman ought to bestow a sigh over the ruins of a brave people, so long struggling for freedom with the greatest princes of Europe. And indeed, whether we consider the duration of the contest, the inequality of the forces, the motives of attacking, or the principles of resisting, we have, I think, in history, none that can parallel the case of the Welsh. Their cause was that of freedom, and therefore a cause affecting the rights of human nature. Shame, therefore, attend the pen who shall blend such a cause with any partial (that is, national) considerations. It is glorious for their memories, that, with all the odds against them, they fell into dependency indeed, but not into slavery; and that their dependency bears the semblance rather of union than of conquest.

No sooner was Llewellyn dead, than his head, with the news, were sent to the king, who remained still at Conwy. I could wish, for the sake of this great king, and of the English, to omit recording, that Edward ordered the head to be sent to London, where, with all the brutish insolence of national rancour, it was conveyed as a pageant through the streets; and at last crowned with a silver circle, in contempt of prophetic tradition, which said, That Llewellyn's head should ride down Cheapside, encircled with a silver diadem. It was next set upon the pillory in Cheapside, from whence it was conveyed to the tower of London, crowned with ivy, in ridicule of the prophecy, which said, That that prince should wear the crown of Brute.

Prince David, brother to Llewellyn, wisely kept in the fastnesses of Snowdon, without hazarding a battle; but no sooner was the death of Llewellyn known, but the Welsh, intirely dispirited, abandoned to the English arms all their country. The castle of Bere, indeed, held out for some time; but it was soon reduced by the earl of Pembroke, and the garrison obliged to be suitors to the king for their lives. The English, who, since their loss at the frith of Meneu, had never ventured again to attempt the passage be-

19 T

tween

Reflection on his death.

His head set upon the tower of London.

Llewellyn prince of Wales killed.



A. D. 1283. tween Anglesey and the continent, now compleated the bridge over that frith; and the junction between them and Edward's army being formed, the king penetrating into their inmost recesses of Snowdon, forced prince David, who had assumed the shadow of sovereignty since his brother's death, to retire. This retreat rendered Edward master of all the mountainous parts; and the spirit of the Welsh now subsiding, in proportion as it had swelled before, the unfortunate prince was rather hunted, than pursued, through his country. Distress carried danger into misery. Edward had found means to corrupt David's domestics. These betrayed him; and, about the end of summer, in 1283, he was brought prisoner to Rothland castle, where Edward then resided. Edward, as yet, was not so far dipped in guilty ambition, as to forget either decency or the calls of humanity. He had sense enough to regard the first; he had not virtue to stand the shock of the latter. For he ordered David to be proceeded against in the ways of justice; but he durst not venture to admit the princely captive to his presence, since the cause for which he suffered, and the remembrance of former merits, might awaken him into tenderness and a generous compassion. Prince David, therefore, instead of being indulged in his repeated requests of being heard before Edward, was sent prisoner to Chester castle. Summonses, at the same time, were issued, for a full meeting of parliament at Shrewsbury in October following, to deliberate upon his fate. The barons accordingly met, with representatives from the several counties, cities, and boroughs, according to their summonses. The judges of the law, with the lawyers, were likewise ordered to attend; and the reason of their meeting, in all their writs, was expressed to be, that they might give their advice with regard to the punishment due to the treason and ingratitude of David, brother to Llewellyn the late prince of Wales. The parliament accordingly met, and the king himself presiding in person, prince David was formally tried, and condemned by the court of peers, first to be drawn, then hanged, and his bowels being burnt, his body to be divided into four quarters, which were to be sent to Bristol, Northampton, York and Winchester, while his head was to be placed, by that of his brother, upon the tower of London. This sentence was pronounced by John de Vaus, chief justice of England; and, to a virtuous reader, can appear no other than a condemnation of virtue itself, and of every generous sentiment due to, and from congenial honour. Edward, after the condemnation of David, met with very little resistance in Wales. He fulfilled his engagements to his great barons, in dividing among them part of the Welsh land; and sent Rhes ap Vaughan, a nobleman of great consideration in South Wales who had surrendered himself, prisoner to the tower of London. He then built two castles, one at Aberconwy, and another at Caernarvon; and having settled the civil government of Wales, it was ever

His brother David taken prisoner.

Who is condemned, hanged, and quartered.

Wales entirely conquered and annexed to the crown of England.

after annexed to the crown of England. But A. D. 1283. we are now to return to the order of chronology, from whence my having connected the history of the reduction of Wales has obliged me a little to deviate.

While Edward was employed in the reduction of Wales, a scene was opened which did him great honour on the continent. Peter king of Arragon, having married Con-stantia, daughter of Manfred, some time usurper of Sicily, claimed that crown in right of Coradin, the last heir of the house of Swabia, and who died on a scaffold by the cruelty of Charles of Anjou, then king of Sicily. Peter was supported in his claim by a strong party of the Gibelines in Italy and Sicily, and by Michael Palæologus emperor of Constantinople. He likewise had, for his instigator and agent, John lord of Procida, a man of infinite address, who acted with so much secrecy, that all the Frenchmen who were in Sicily, to the number of eight thousand, were murdered in one night by the inhabitants. The king of Arragon was at that time at sea with his fleet, with a resolution either to attack the Moors, if the Sicilians should fail, or to support the Sicilians if they were successful. Charles of Anjou was at the same time in Tuscany, meditating to attack the emperor of Constantinople; but, without losing time, he came with all his forces before Messina, which he besieged. Either his irresolution, or the desire of revenge, prevented his accepting the offers of the Messinians when ready to capitulate; and, before he could storm the town, he learned, that his rival the king of Arragon was received at Palermo, where he was acknowledged king of Sicily. It was in vain that the pope thundered his excommunications against all the Arragonois and their abettors; for Charles was not only obliged precipitately to raise the siege of Messina, but to retire into Calabria, which was likewise threatening to revolt. But his being uncle to the king of France, would not suffer that court to see so melancholy a reverse of his fortunes, without interesting itself to retrieve them. A strong army of French was soon poured into Italy, and they were so well seconded by the pope, with temporal as well as spiritual arms, that Peter's affairs were on the point of being ruined. But he knew that personal valour was the ruling passion of his rival: to gain respite, therefore, from calamity so immediately impending, he proposed a single combat, which was accepted of by king Charles. After various expedients, it was agreed, that the combat should be fought in a field near Bourdeaux, within the territories of Edward, who was to be the umpire of the combat; and that each of the princes was to be attended by a hundred knights. Nay, so great was the veneration of both princes for Edward, that it was farther agreed by twelve persons chosen by both parties, who regulated all the preliminaries of this combat, that the combatants should present themselves, at a certain time, before the king of England. If the king of England could not be there in person, they

The disputes of the different pretenders to the kingdom of Sicily referred to king Edward.

A combat proposed, and accepted of, between the kings of Arragon and Sicily.

[Rym. vol. II. p. 239, 242, &c.] Edward agreed upon to be the judge of the same.



A. D. 1283. they were to present themselves before any deputy he should appoint. Farther, if he should appoint no deputy, they were to present themselves before his governor in those parts; but they were not to fight before any Englishman, unless both should agree. In the mean time, both parties were cordially to use all manner of endeavours to prevail with the king of England to be present in person. All this was stipulated by both parties, under the penalty of the party failing being infamous, perjured, and declared incapable of retaining the royal name and dignity. These conditions were solemnly confirmed by both parties; each made pressing instances for Edward to repair in person to the place of combat. The pope and the wiser abettors of Charles foresaw, that his accepting this defiance must ruin his affairs, therefore they used all means to prevent it. Excommunications were fulminated from the court of Rome, and Edward was threatened with the like, not only if he gave his countenance to the combat, but if he admitted the combatants into any part of his dominions. Edward was at Aberconwy when he received those invitations; but being well apprized of the pope's sentiments, he declined the proffered honour, and was earnestly exhorted by the pope to do all he could to make matters up between the rival princes. But the matter was too far gone to be so easily suppressed. Charles was too much intoxicated with the thoughts of an opportunity to display his personal valour, not to appear upon the day and at the place appointed. He accordingly presented himself before Edward's seneschal or lieutenant for Gascony, at the head of his hundred knights. But it is probable that the seneschal, having no orders from Edward, the king of Arragon took advantage of a clause in the cartel settled between them, which provides that they shall not fight before any other Englishman than the king of England. Be this as it will, Peter it seems kept himself disguised within Bourdeaux, and, on the day appointed, presented himself before the seneschal, in whose hands he left his head-piece, sword, and lance, as marks of his appearance. We likewise find that he excused himself from appearing in a royal or a kingly character, because of the information he pretended to receive, that a design was laid by the French to suppress him. The farther concern which Edward took as a mediator in this quarrel, I shall refer to a future year.

but he declines it.

A parliament at Acton-Burnel.

Before Edward left Wales, in the year 1283, we find him holding a parliament at Acton-Burnel, where the laity granted a thirtieth part of all their moveable goods, and the clergy a twentieth, for indemnifying the king for his expences in the late war. In this parliament likewise some of the Welsh were pardoned, and restored to their estates; while the king, to remunerate the bounty of his subjects, passed the law which is still called the statute of Acton-Burnel, by which a remedy is provided for merchants for recovering their debts, by recognizances, in

the three capital cities of London, York, and Bristol. A. D. 1283.

Edward, during his expedition against the Welsh, had winked at, nay encouraged, his French subjects, particularly Gaston de Bern, in assisting the king of Arragon, whom the see of Rome held in the utmost enmity. The pope, aware of this, did not fail to pester him with bulls for the payment of the arrears of the tenths, which had been laid up in monasteries for the service of the Holy Land, and which Edward had sequestered to his own use. But those bulls being disregarded, he was not only plied with reproaches from the vatican, but required to march thither in person. But Edward both disregarded those bulls, and appointed commissioners to repair to monasteries, and take an account of what money was there deposited for the use of the crusade. Some of the priors refusing to admit those commissioners, Edward ordered them to be prosecuted in lay courts; but took the first opportunity of faithfully repaying all the money which he only borrowed for his immediate exigences. But he had set a precedent, which was by no means to be admitted by the see of Rome. The pope, therefore, addressed a bull to the archbishop of Canterbury, in which he bitterly complains of Edward's seizing the money, and breaking open the locks and seals of the places where it was kept; and at the same time he commands the archbishop to admonish and reprimand him. The archbishop punctually performed those orders; and, in his answer to the pope, gave his holiness to understand, that Edward had received his reprimand as a dutiful son of the church, and, as he (the archbishop) believed, had faithfully made restitution.

Edward restores the money for the crusade.

The kingdom of Scotland had, for near two hundred years past, lived in a state, if not of opulence, yet of happiness. Her kings had been mild, her inhabitants contented, and a general respite from civil commotion had left them at leisure to cultivate arts in their more civilized counties, which gave them a figure in Europe. Alexander the second of that name died in an attempt he made to re-annex the western isles to his crown, and was succeeded by his son of the same name, who was but eight years of age, and, as we have seen, married to Edward's sister. The royal family of Scotland being then very weak, it was thought proper to make some farther provision for the succession, by obliging themselves to receive Margaret, daughter of Eric king of Norway, by Margaret, daughter of Alexander king of the Scots, and her heirs, as queen and sovereigns of Scotland. This young lady had been married to the king of Norway in the year 1280; and the precaution which the nobility of Scotland took upon this occasion, was very probably owing to certain indications which Edward discovered, of renewing his family pretensions to the superiority of that crown. The unanimity of the Scottish nobility, however, disappointed him so much in the mean time, that he entirely applied himself in

State of Scotland.



A. D. 1284.  
Rym. vol. ii.  
p. 244.

in establishing peace with his neighbours, and the tranquility of his Welsh conquests. Eric king of Norway courted him to renew the alliances between the two people; and the pope issued out bulls for absolving all persons for whatever injuries had been committed during Montfort's rebellion, and the wars of Llewellyn. This being obtained at the request of Edward himself, is a proof of his wisdom; but he gave a still nobler one, in stifling all enquiry about the associates of Llewellyn, who were discovered by that prince's papers. As the earl of Gloucester was the nobleman from whom he had the most to apprehend, he caressed him with such extraordinary marks of friendship, that he had already entered into a treaty with him for giving him his daughter in marriage. In the beginning of this year Edward made a progress into Glamorganshire, where he was received with extraordinary magnificence by that nobleman; and, during his stay there, he laboured all he could to render himself popular among the inhabitants. For we find that, about the beginning of April, he ordered a tournament to be celebrated, in honour of the famous round table; and he gave to a young prince, of whom his queen was delivered at Caernarvon, the name of that place. But, while he continued in those parts, he received the afflicting news of the death of prince Alphonso, his eldest son, a youth of extraordinary hopes, and no more than twelve years of age.

Edward of  
Caernarvon  
born.

Prince Al-  
phonso dies.

V. ii. p. 273.

Edward's de-  
mands of the  
pope.

This year we perceive, by a bull published by Mr. Rymer, that there was a report of Edward's having again taken upon him the cross. But very probably this was only a politic feint to keep measures with the pope; for we find that, in the spring of this year, he had ordered his agents at Rome to present no less than eight petitions to his holiness. The first was for a grant of all the tenths, collected not only throughout all Edward's dominions, either French or Britannic, but over all Scotland. To this his holiness answered, That he should have such a grant, with leave of the king of Scots, provided Edward would, before Christmas next, solemnly assume, and publicly wear, the cross. The sum of his second and third petitions was, that proper precautions should be taken to collect the tenths according to the full value, by his holiness naming one commissioner, and himself another, for that purpose; but it was rejected. His fourth petition demanded the tenths for five years. This was also agreed to for three years, upon his compliance as above. His fifth petition was for an assignment to all the advantages which had been granted to the council of Lyons for the relief of the Holy Land. This was granted. He next petitioned for the returns of all money raised for redemption of vows, and for a right to all legacies left for promoting the crusade, and for the effects of all who should die intestate. The two first articles were granted, on the above terms; but the last refused. His seventh petition was the first fruits of all vacant benefices; but this peti-

tion was likewise rejected. He lastly requests, that if the fore-mentioned petitions are heard, he shall have five years for making preparations; and that he shall not be obliged to delay his expedition beyond that time, lest he should grow old, and unfit for service. This was agreed on. And now Edward being on very good terms with the court of Rome, applied himself to make up some differences which had happened between the duke of Brabant and the earl of Gelders, and received the submissions of the lady Constance de Bern, who was then at Caernarvon, for some insults which had been committed by her people upon Edward's subjects in Gascony. At the same time, to the shame of government, he gave orders for the payment of two thousand merks to the pope's agent, as a tribute from the king of England. We likewise find, that, when he lay at Caernarvon, the treaty between England and Norway was renewed and ratified; and that a final agreement was made between the earls of Holland and Gelders by Edward's mediation. A remarkable accident happened at the same time, between Edward and the earl of Holland. For the latter having occasion to new coin his money, had contracted with one of his own subjects, dame Catherine de Walle, who was to purchase bullion in England, to be transported, at the earl's expense, to Holland. Accordingly the lady purchased a large quantity of bullion in the town and county of Bedford; but, as she was carrying it off to be embarked, the waggoners were attacked by highwaymen, who killed one of them, and carried off the treasure. The noise of the robbery soon reaching the sheriff's ears, he raised a posse of the county, attacked the robbers, and seized the bullion, to the value of nine hundred and sixty pounds, which he attached in the king's name. The earl of Holland immediately applied to the court of England for the redelivery of the bullion; but whether he succeeded I cannot say. I only thought that this incident was material, as it is a farther proof of the increase of the English commerce, notwithstanding the late severe taxations, under the care of the government to prevent any exportations which might be prejudicial to the crown or the people. We likewise find Edward, this year, much employed in providing for the indemnification of those churches and religious which had suffered in the late wars with Wales; and on the 2d of January, 1285, he issued a writ from Bristol, by which the inhabitants of Rothland, Aberconwy, and Caernarvon are for ever freed from paying all tallages. This probably was done by advice of parliament, which then met at Bristol.

A. D. 1285.

To whom he  
grants a tri-  
bute of two  
thousand  
merks.

Rym. vol. ii.  
p. 280.

Ibid. 284.

Edward had then been absent from the city of London for three years; but having now received a summons from the court of France, to attend that prince in his war against the king of Arragon, he resolved to visit his capital before he set out. He found that great abuses had crept into the government, during his long absence, with that of his

Edward re-  
forms the ma-  
gistracy of  
London.



A. D. 1285. his courts. The magistrates of London having been guilty of several unwarrantable practices (among others, for conniving at selling bread under the statutable weight) he seized all the liberties and franchises of the city into his own hands; and discharging Gregory Rokeley, the then mayor, from his office, he substituted in his place John Briton, with the title of guardian of the city. These alterations of the government introduced an important change in the city: for merchant strangers were now permitted to rent houses, and keep shops; whereas formerly they were only importers of goods, and their English landlords, with whom they lodged, acted as brokers. I likewise find, that one Ralph Sandwich was joined in commission with Briton, as one of the guardians, which were afterwards augmented to three, and at last to four, acting sometimes conjunctly, and sometimes separately.

A. D. 1285. After Easter, this year, Edward held a parliament at Westminster, where a new set of statutes was passed, commonly called those of Westminster the second, and an abstract of which the reader will find in the notes (1). While he was thus providing for the

A parliament at Westminster, and statutes passed there.

Merchant strangers allowed to keep shops.

(1) The statute of Westminster the second, or De donis conditionalibus; being that remarkable one that first created estates-tail; and ordained,

Cap. I. That the will of the givers of lands, according to the form in the deed of gift manifestly expressed, shall be from thenceforth observed; so that they to whom the land was given, under such and such conditions expressed in the statute, shall have no power to alien that land so given; but it shall remain to their issue after their death, or revert to the giver, or his heirs, if issue fail. Nor shall the second husband of any woman have any thing of the land given upon condition, after the death of his wife; nor the issue of such second husband and wife shall succeed in the inheritance; but, immediately after the death of the husband and wife unto whom the land was given, it shall return to the issue of the giver, or his heirs. And a new remedy is provided, in this new case, by a writ of formedon en descender, which is therein set down at large. This act shall extend only to gifts that are hereafter to be made; and a fine hereafter to be levied upon such lands, shall be void in law: neither shall the heir or reversioner, though of full age, within England, and out of prison, need to make their claim. This part, concerning fines, has been quite altered by several succeeding statutes, as 4 Hen. VII. cap. 24. and 32 Hen. VIII. cap. 36.

Cap. II. Provides that where, upon replevins, lords cannot obtain justice in counties, and other inferior courts, against their tenants, when such lords are attached at their tenant's suit, a writ of recordare shall be granted them to remove the plea before the justices, where justice shall be done them, and the cause shall be inserted in the writ, viz. Because such a man distracted in his fee for services and customs due to him. The rest of the statute only prescribes the rules how to recover in such other remedies the plaintiffs may have in case of default; for which I refer you to the act.

Cap. III. A writ of entry, called *cui in vita*, is given to the wife for the recovery of her land, lost by the default of her husband in his life-time; and, during his life, he shall also be admitted to defend her right, provided she come in before her judgment. The like privilege is given to the reversioner, where the tenant in dower, by the courtesy for life, or by gift, doth lose by default, or wilfully yield up, the land.

Cap. IV. The wife shall be endowable as well where land was recovered against her husband by default, as by covin; so that, albeit the land was lost by default, yet that shall be no good allegation for the tenant, but he must then proceed, and shew his right, otherwise the wife shall recover. The rest of the act shews how tenants in dower, frank-marriage, &c. when they lose their land by default, may vouch the reversioner, if they have any warrant; with several directions what plea and process they shall make use of for the recovery of their right.

Cap. V. Usurpations of churches during wardships, particular estates, coverture, or vacancy, shall not bar the heir at full age, the reversioner, or remainder-man in possession, the feme discover, or a spiritual person in succession, from having the writ of advowson possessory, viz. *quare impedit*, or an assize of darrein presentment, as their ancestor or predecessor might have had, if the usurpation had happened in their time: but, before this act, they were, in such cases, put to their writ of right of advowson. The rest of the statute is taken up in prescribing forms of pleadings and process in darrein presentment, *quare impedit*, and other cases of like nature, whether by coparceners, or any other sort of patrons.

Cap. VI. As the tenant shall lose the land in demand, where the vouchee dischargeth himself of the warranty; so shall the warrantor lose where he denieth his warranty, if found, on trial against him, that he is so bound: and where an inquest is depending between the tenant and the warrantor, and the demandant will require a writ to cause the jury to come, it shall be granted him.

Cap. VII. This is only concerning the writ of admeasurement of dower by a guardian; but the heir, at full age, shall not be barred by that suit, where it is prosecuted by collusion, &c.

Cap. VIII. Shews what remedy the plaintiff shall have in a writ of admeasurement of pasture, upon the second over-charge, if the pasture was admeasured before the justices; and what remedy there is if the admeasurement was made in the county; and how to prevent fraud in the sheriff.

Cap. IX. Provides what remedy the chief lord shall have against the mesne tenant, for rent or services. But this is now obsolete, and wholly out of use, partly by taking away tenures, and especially by the chief lords parting with their rent and services of such tenants; and therefore it is needless further to enlarge upon it.

Cap. X. Any person may make a general attorney to sue, in all pleas, during the circuits of justices in eyre; howbeit, that shall not excuse the party from being put upon juries and assizes before the same justices. It likewise prescribes within what time justices in eyre, or itinerant, shall appoint all writs to be delivered into them; and then the sheriff shall certify the chief justices in eyre how many writs he hath, and what they concern; of which we need say no more in this place.

Cap. XI. Servants, bailiffs, or other accomptants, that are found in arrears by auditors, assigned by their masters, upon the testimony of the same auditors, shall be committed to the next jail, and there remain in safe custody, at their own costs, until they shall have satisfied their masters. The rest gives remedy to the accomptants, if they find themselves aggrieved by the auditors, by appealing to the barons of Exchequer, who are to do justice therein; and also what process shall go out against the accomptant, if he flies, or will not come to account.

Cap. XII. Upon a false appeal by malice, the appellant shall suffer a year's imprisonment, make fine to the king, and recompense damages to the appellant, at the discretion of the justices; but if the appellant is not able to pay damages, and an abettor (through malice) is found by the same inquest, such abettor shall also be punished by imprisonment, and restitution of damages, as before.

Cap. XIII. Sheriffs, bailiffs of franchises, and others that take inquest of malefactors, shall do it by at least twelve lawful men, who shall put their seals to such inquisitions; and the said officers shall imprison such malefactors. If they imprison any without such inquests, the party grieved shall maintain an action of false imprisonment against him.

Cap. XIV. The processes in an action of waste shall be summons, attachment, and distress; and if the defendant appear not upon the distress, a writ of enquiry shall be directed to the sheriff, to enquire of the waste; upon return whereof, the court shall proceed to judgment, according to the statute of Gloucester, cap. 5.

Cap. XV. If an infant be eligned, so that he cannot sue personally, his prochain ami shall be admitted to sue for him.

Cap. XVI. Appoints (where an inheritance descends to an infant of the father's side, that held of one lord; and the mother's side, that held of another lord) which lord shall have the marriage of such infant. But this is now taken away by the statute of 12 Car. II. cap. 24. that destroyed wardships.

Cap. XVII. In the circuit of the justices, an *essoins de malo lecti* lieth not for lands in the same county, unless the party be sick indeed; for if, at the instance of the demandant, it be proved by inquest that the tenant is not sick, the *essoins* shall be turned to a default: but such an *essoins* shall not lie in a writ of right between two claiming by one descent.

Cap. XVIII. He that recovers debt or damages in the king's court, may, at his choice, have a writ, to the sheriff, of *feri facias* of the lands and chattels of the debtor (except oxen and plough beasts) and the moiety of his land, by a reasonable extent, till the debt be levied; and if he be ejected out of the land, he shall have an assize, and afterwards a writ of disseisin, if need be; and this last writ is called an *elegit*.



A. D. 1285. the happiness of his subjects at home, he power abroad. He seems in a peculiar manner to have cherished an alliance with the A. D. 1285.

Cap. XIX. The goods of an intestate, dying in debt, shall be disposed of by the ordinary to discharge it. But since now letters of administration are usually granted, either to some of the kindred or creditors, I shall here no more enlarge upon it.

Cap. XX. In writs of cosinage, ayel, and besayel, the tenants answer, That the plaintiff is not next heir of the same ancestor, by whose death he demandeth his land, shall be admitted and enquired; and, according to the same inquisition, the justices shall proceed to judgment.

Cap. XXI. A cessavit is hereby given to the chief lord, against his freehold tenant, that with-holds his accustomed service per biennium: it is likewise maintainable by the heir of the demandant, against the heir or assignee of the tenant.

Cap. XXII. An action of waste shall be maintainable against one tenant in common; against another, of wood, turf, land, fishing, or the like: and when the cause comes to judgment, the defendant may chuse either to take his part in a certain place (to be set out by the sheriff with a jury), or grant to take nothing but as his other perners do; and if he chuse to take his part in a place certain, the place wasted shall be assigned for his part. See the writ in the statute.

Cap. XXIII. Executors shall have a writ of account, and like action and process in the same writ, as their testator should if he had lived.

Cap. XXIV. A writ of nuisance shall be grantable, as well against the alienee as against the party that first made it. When it is against the party himself, it shews how the writ shall run; and how to be altered, when it is against the alienee. In like manner, a parson of a church may recover common of pasture by a writ of novel disseisin; so his successor shall have a quod permittat against the disseisor, or his heir, though there never was such a writ granted out of the Chancery before. The next clause gives the clerks of Chancery to frame a new writ, where the law has not expressly provided one before, or the plaintiffs may adjourn it till next parliament.

Cap. XXV. An assize of novel disseisin shall lie for estovers of wood, profits to be taken in woods, corrody, and other provisions; and the like process for other things, which are now out of use. The same writ shall likewise be had, if any, holding for years or in ward, alien the fee; and both the feoffers and feoffees shall be taken for disseisors; but if the parties die, the remedy shall be by writ of entry; with other things relating to process, needless here to be further inserted.

Cap. XXVI. In writs of redisseisin, double damages shall be awarded, and the redisseisors shall not be repleviable by the common writ; and the like remedy is provided for those that have recovered by default, reddition, or otherwise, without recognition of assize or juries.

Cap. XXVII. An escoin shall be allowed next day after inquest taken; but none at any of the other days following, nor after day given, prece partium.

Cap. XXVIII. In assizes after appearance, the demandant shall not be effoined.

Cap. XXIX. A writ of trespass, ad audiendum et terminandum, shall not be granted but before the justices of either bench, or justices in eyre, unless it be for some heinous trespass, which requires speedy remedy: but a writ to hear and determine appeals before justices assigned, shall not be granted but in a special case, and for a cause certain, and that at the king's command.

Cap. XXX. Two justices shall be assigned, before whom, and no other assizes of novel disseisin, mort d'ancestor, and attaint, shall be taken; and shall associate with them one or two of the discreetest knights of the county for that purpose; and certain days are therein appointed for their sitting; which way of trial is now become quite obsolete, since the appointment of justices of assize, and jail-delivery, into the several counties for that purpose.

Cap. XXXI. When the justices will not allow a bill of exception upon prayer, if the party impleaded tender the same to them in writing, and require their seals thereunto, they or one of them shall do it; and if, upon complaint thereof to the king, the exception so sealed be not found upon the roll, the justice shall be sent for; and if he cannot deny his seal, the court shall proceed to judgment, according to the exception.

Cap. XXXII. Ecclesiastical persons are hereby debarred from taking land in mortmain, by way of collusion, without the king's licence; and therefore each mean lord hath six months given him to enter after the lord next before him, until it come to the king.

Cap. XXXIII. The privileges of setting up crosses upon lands, used by the knights-templars and hospitallers, to defend the tenants against the chief lords, are hereby taken away, and the lands forfeited, in like manner as those aliened in mortmain.

Cap. XXXIV. If a man ravish a woman married, maid, or other, without her consent, either before or after, he shall have judgment of death; and where a woman, of what quality soever, is ravished, albeit she consent after, yet he, upon being attainted thereof, shall have like judgment as before; and here the king shall have the suit. As also of women carried away with the goods of their husbands, the king shall have the suit for the goods so taken away; but if she willingly leaves her husband, and goes away, and continues with her advowterer, she shall be barred from her dower, unless her husband be willingly reconciled to her, and suffer her to dwell with him.

Cap. XXXV. Gives a penalty against those that shall ravish or carry away wards, either male or female. But this is taken away by 12 Car. II. cap. 24.

Cap. XXXVI. None shall procure any, or distrain another, to make him appear at the county-court, or any other inferior court, on purpose to vex him, and put him to charge and trouble, on pain to make fine to the king, and to pay to the party grieved treble damages.

Cap. XXXVII. No distresses shall be taken, but by bailiffs sworn and known, on pain to restore damages to the party grieved, and to be grievously fined to the king.

Cap. XXXVIII. No more jurors shall be summoned, in one assize, than twenty-four; old men above the age of seventy, or sick, or diseased, or that live out of the county, shall not be put on juries of petty assizes. There is also appointed what land jurymen ought to have to qualify them to be impannelled; but this has been since altered by later statutes; and therefore is now become obsolete.

Cap. XXXIX. Is to prevent the ill execution, and false return, of writs by sheriffs and their bailiffs, with the penalties they shall incur for the same. But this relating wholly to matters of process, I shall leave those concerned to consult the statute at large.

Cap. XL. The suit of a wife, or her heir, after the death of her husband, shall not be delayed by the minority of the heir, who ought to warrant the land.

Cap. XLI. If lands are given to religious houses, or hospitals, for alms, or any other pious use, and they are alienated by the donees, the king, if he be founder, may seize them for his own use; with other things, which now signify nothing to us.

Cap. XLII. Contains an account of several ancient fees of marshals, chamberlains, porters of justices in eyre, and serjeants bearing a verge (or mace) before the justices at Westminster.

Cap. XLIII. Hospitallers and templars shall draw none into suit before the keepers of their privileges, neither shall their keepers cite any to the prejudice of the king or his crown.

Cap. XLIV. Appoints what fees the vergers, before the justices of Common-pleas in their circuits; and also the chirographers and clerks, writing writs original and judicial, shall take. But these are since altered by other statutes.

Cap. XLV. Writs of execution shall be within the year; as also all things recorded before the king's justices, whether contracts, covenants, &c. and, after the year, a scire facias shall be awarded; whereupon, if satisfaction be not made, or good cause shewn, the sheriff shall be commanded to do execution.

Cap. XLVI. The statute of Merton shall not only bind the lords tenants, but neighbours also, that claim common of pasture as apurtenant to their tenements; but if any claim common, by special feofment or grant, for a certain number of beasts, or otherwise, which is due to him of common right, he shall recover the same according to the form of such grant; with other things, for which I refer to the statute.

Cap. XLVII. Appoints when salmon ought not to be taken, nor young salmon, with nets, or other engines, at mill-pools; and the penalties for so doing, for the first, second, and third offence.

Cap. XLVIII. In what cases view of land shall, and shall not, be granted; which is now, in great measure, grown out of date.

Cap. XLIX. No chancellor, treasurer, justices, or any of the king's council, clerks of Chancery, Exchequer, &c. shall receive any church or advowson, land or tenement, in fee, by gift, by purchase to farm, by champerty, or otherwise, so long as the same thing is in plea; nor shall take any reward thereof, on pain of being punished at the king's pleasure, both buyer and seller.

Cap. L. And in all these statutes where the law faileth, left suitors should depart from the king's court without remedy, new writs shall be provided in their cases, 2d Inst. 485. Tyrrel, vol. iii. fol. 196, 197, &c.



A. D. 1286.

earl of Holland; for his eldest son being now dead, and thereby the project of the marriage with that earl's daughter set aside, a new treaty of marriage was set on foot, between a son of that earl, who must have been then in his cradle, and one of Edward's daughters. About the same time, he received from the pope a bull for the provisional collection of the tythes, in case he should take upon him the cross. In the beginning of June, the earl of Pembroke was constituted guardian of England; during the king's absence in foreign parts; and the earl of Gloucester, in consequence of the treaty of marriage he had entered into with Edward's daughter, prevailed with his countess, Alice de March, to agree to a mutual divorce, upon her having a reasonable subsistence.

The earl of Gloucester divorces his lady.

The motives of Edward's going to France.

It is now necessary we should lay before the reader the causes of Edward's summons into France, which were as follow. The intended combat between the kings of Arragon and Sicily being over, as we have already seen, the pope and the king of France united against the king of Arragon, who in person was excommunicated, while his crown was, by his holiness, conferred on the second son of France, upon certain conditions. A French army accordingly invaded Arragon; but that prince was not to be terrified by the papal thunders. He put himself in a posture of defence, and did all he could to engage the king of England and state of Venice on his side. It was with this view that the marriage was proposed, between Edward's daughter and the king of Arragon's son. This match was vigorously opposed by the pope, on pretence of consanguinity between the parties; and Edward drew this advantage from it, that the pope was less earnest in soliciting him to proceed upon his expedition to the Holy Land. In the mean time the king of France marched with a great army to conquer Arragon, where, at first, he had surprizing success; but, soon after, he found his army in a barren country, destitute of provisions, his fleet beaten by sea, and himself attacked by a distemper, which this year finished his life. It was to assist in this expedition into Arragon, that Edward was summoned into France; but not only the death of the king of France, but that of the kings of Sicily and Arragon happening within a short space of one another, he found means to delay his journey.

The king of France dies.

Philip the Fair, his son, succeeds.

Upon the accession of Philip the Fair to the crown of France, Edward was holding a parliament at London, to consult on the better regulation of his government, in case he should be obliged to pass over to the continent. About the same time he received a very moving letter from the children of the prince

of Salerno, eldest son of Charles of Anjou king of Sicily, begging that he would interpose in behalf of their father, who was then a prisoner in Arragon. The like letters came from many prelates and barons on the continent; and Edward's reputation was then so high in Europe, that he was chosen as mediator of the difference between the young kings of France and Arragon. As he had a personal friendship for the prince of Salerno, he readily accepted of this mediation, and prepared to set out for France, which he did on the summer of 1286.

A. D. 1286. Edward goes to France.

He found the court of France at Amiens, and he appeared there attended with a very splendid equipage of nobility and prelates, and was received with great respect. From Amiens both courts set out for Paris, where a parliament was held, and Edward did homage to the king of France in the following remarkable terms, as we find them in an authentic formulary of the homage itself:

Be it remembered, that, on the Wednesday in Whitsun-week, in the fourteenth year of king Edward, and the first of Philip king of France, king Edward, in a chamber at Paris, near the Palace of the king of France, did homage to his lord the king of France in these words, which were then repeated for him by the bishop of Bath and Wells:

The form of the homage he performed to king Philip.

" Sir, king of France (1), certain large demands were made by Henry, father to my lord the king of England, upon Lewis, your grandfather, formerly king of France; upon which demands a peace was concluded between them: by which peace the said king Henry did homage to your said grandfather, for all the lands which he holds on this side the sea, and for the lands which the fore-mentioned king promised to give him by the said peace. And my lord here present, after the death of his father, did homage to your father, king Philip, for the said lands, according to the form of the said peace. Notwithstanding this, sir, my lord might, with reason, as some of his counsellors have advised him, dispute the said homage, because the terms of the foresaid peace have never been fulfilled; and because some attacks have been made upon the lands which he possesses, greatly to his prejudice. But, notwithstanding this, sir, he is unwilling to withhold, at present, aught of that homage, provided that, as a worthy sovereign ought to do, you make the peace to be observed, and the incursions which have been made, prevented and indemnified.

" I become your liegeman for the lands which I hold of you on this side the sea,

(1) Sire roy de France, vers est que aucunes grosses demandes furent du roy Henri, pere nostre seigneur le roy d'Engleterre, faits vers Lowiz, Jadis roy de France vostre aiel. Sur quelques demandes fust fait une pees entre eux. Et par cele pees, l'avant dit roy Henri fist homage a vostre dit aiel des terres, qu'il tient decea la meer, et des terres que l'avantdit roy lui promist donier par mesme cele pees. Et mon seigneur, que ci est, puis apres la mort son pere, de mesmes les terres fist homage a vostre pere le roy Philip, solonc la forme de mesme cele pees. Et ja soit ce, sire, que mon seigneur, par raison peust, sicome y lui est aviz a plusieurs de son conseil, debatre cel homage, par raison que la pees avantdite, ne lui est enterinee, et aucunes surprises sont faites par les terres qu'il tient, a grant damage de lui. Nequideit, sire, il ne veut rien debatre a ore de cel homage, ausi que vous com bon seigneur, lui facez la pees enterinier, et les surprises ostier et amendier. Jeo devint vostre homa des terres, que jeo tenuz de vous de cea la, solonc la forme de la pees, que fu fait entre noz ancestres. Rymcr, tom. ii. fol. 320.



A. D. 1286. "according to the peace made between our forefathers."

Edward's French subjects exempted from appeals to the court of France.

The reader will easily observe with what caution this homage is paid, and how careful the court of England was, not to suffer any prescription of its rights. The situation of the court of France, at that time, was far from being such, as it could securely insult Edward. We therefore find the king of France granting a charter, by which the king of England is indemnified from all consequences of appeals, made by his French tenants in Gascony or elsewhere, to the court of France. This, in effect, was exempting Edward's French possessions from the severest penalties of feudal duties, since it absolutely gave up the right of forfeiture to the lord paramount, and was a kind of a previous indemnity to Edward and all his ministers in France. By the same chart it was agreed, that no appeal coming to the court of France against Edward, or any of his ministers, or lieutenants, should affect the king of England's right of possession, either by forfeiture, or other pains; and that all such appeals should be remitted, for rectification for three months, to Edward's own courts.

The king of Denmark solicits the assistance of Edward.

It is uncertain from what cause Edward, during his absence in France, removed the earl of Pembroke from the regency, or whether it was not done before he went abroad; but we know that a writ is directed, dated the 22d of June, from Paris to the earl of Cornwall, as regent of the kingdom. For a rebellion happening in Denmark, one of that king's brothers, the king of Norway, sent ambassadors into England, to solicit assistance, both in men and money, against the rebels. Both these were readily granted by Edward, who was then in Paris; and the forementioned writ was directed to the earl of Cornwall, empowering him to grant liberty to all his subjects who had a mind to enlist themselves into the service of the king of Norway for that expedition, to pass the seas. A sum of money was likewise issued out of the royal exchequer for the same purpose; Edward, at the same time, giving, as his reasons for intermeddling in this affair, two lines (1) from two different Roman authors.

Rym. 178.

Daniel's hist. of France.

It appears that Edward, ever since his accession to the crown, had been an excellent oeconomist; and his oeconomy enabled him to oblige many petty princes and noblemen, his contemporaries, with money for answering their necessities. Hence we find him supplying Robert Bruce earl of Carrick, the king of Norway, and other princes both in the north and south, with money, which always kept them in some measure dependent upon him, and gave him great sway both in Scotland and on the continent. This could not fail of giving great umbrage to the court of France, but at the same time facilitated the attainment of his views there: for, by virtue of the eventual treaty between king Lewis and his father Henry III, he had

strong pretensions upon Xaintonge, which was to be re-annexed to the crown of England, in case the earl of Poitiers, brother to Lewis, and his wife should, as they actually did, die without issue. Edward had presented several memorials for putting this part of the treaty in execution, which at last was readily agreed to, as were several other points which he solicited. Our historians have informed us, that he even laid claim to all Normandy; but if he did, it could only be by way of saving prescription on account of the infractions of the treaty of 1259. It is certain, however, that his great credit with the princes of Europe gave France no little uneasiness. For, taking leave of Philip, Edward repaired to Bourdeaux, where he not only held a parliament in great state, but received ambassadors from Arragon, Sicily, and Castile. But his motives for this management proceeded less from ambition than compassion. As I have already observed, he had a sincere friendship for the captive prince of Salerno, now king of Sicily, and his cousin-german. He wrote in his favour to pope Honorius, who answered him, That the matter was of such consequence, and attended with so many difficulties, that he must be excused if he did not come up to all that Edward required. The latter, however, acted so indefatigably, that at last he effected his friend's deliverance on the following terms, as we find them expressed in a writing published by Mr. Rymer.

Edward procures the liberty of the prince of Salerno.

First, That the said Charles should give up three of his children into the hands of the king of Arragon, as hostages. Secondly, That he should depose thirty thousand marks in money; and that the king of England should become security for twenty thousand more to the king of Arragon. Thirdly, That Charles should put into the said king of Arragon's hands sixty of the eldest sons of such noblemen or others as he should chuse, as hostages for his observation of the peace with the said king of Arragon and his brother James, on whom the kingdom of Sicily was conferred. In the fourth place, The truce then subsisting between France and Arragon was to be prolonged for a full year. Fifthly, The prince, when delivered from prison, was to do his best, before the expiration of the said truce, to bring about one of three years, between the crown of Arragon and that of France with the court of Rome, in which the king of Sicily was to be comprehended, and his right to that crown acknowledged. In the sixth place, If the prince should fail in any of the above-mentioned articles, he was then to surrender himself again prisoner to the king of Arragon. Lastly, The king of England was to be guarantee of the said peace.

[Vol. ii. p. 342.] Terms of it.

I have purposely omitted all the traverses and disappointments which Edward met with in this long negociation, through the clashing interests of the several powers concerned. It is sufficient to observe here, that he was so earnest in his application, that his friend the

(1) Felix quem faciunt aliena pericula cautum:  
Nam tua res agitur paries dum proximus ardet.



A. D. 1286. prince of Salerno at last was restored to his liberty. This, I think, is one of the most shining periods of Edward's reign; the motives of action being founded on his friendship, and the reasons of its success owing to his power. The first the most amiable of virtues, and the latter the most flattering of possessions.

Edward was at Oleron in Bearn, when the late treaty with the king of Arragon was concluded. Some difficulties, with regard to its prompt execution, occurring, he was generous enough to remove them, by advancing the thirty thousand merks which Charles had engaged to pay down, and to prevail with some of his English subjects to deliver themselves up to the king of Arragon, as hostages, till they were relieved by Charles's sons. Every thing being now accomplished to his mind, Edward concluded a treaty of marriage between his daughter Eleanor and the king of Arragon, who died before it was consummated; and having got full powers from that prince for renewing the truce between them, he returned to Gascony. There he took upon him the cross, that he might be entitled to the advantages which had been granted him by the pope. But it is now high time to attend the affairs of Britain.

Alexander III,  
king of Scots,  
dies.

Guardians ap-  
pointed du-  
ring the  
queen's mi-  
nority.

On the 19th of March, 1286, Alexander III, king of Scots, was snatched away by immature death, in the forty-fifth year of his age, lamented by his subjects, both for his own personal virtues, and the weakness of his royal line. His son had died about three years before; his daughter, married to the king of Norway, was likewise dead; and thus the act of succession, in favour of her and her heirs, now took place. A convention of the Scotch states accordingly was held on the 11th of April following, in which it was agreed to recognize Margaret, the only surviving child of Margaret late queen of Norway, as queen of Scotland. But as the young lady was yet but a child, the Scots, wisely jealous of a foreign regency, came to a resolution of taking the government into their own hands, during the non-age or non-marriage of their queen. The kingdom, therefore, was divided into six districts, over which the following six noblemen presided, William Frazer bishop of St. Andrew's, Robert Wishart bishop of Glasgow, Duncan Macduff earl of Fife, Alexander Cumin earl of Buchan, James lord high-steward of Scotland, and Sir James Cumin of Badenoch, elder. While those noblemen continued unanimous, they acted with so much vigilance, that Edward had no opportunity of prosecuting the views, which no doubt, by this time, he had formed upon that crown. For though our historians have ignorantly connected the settlement of the Scotch government with his demand of their queen for his son; yet it is certain, that the same did not take place till the year 1289.

The troubles which, in the mean time, happened, did not perhaps contribute a little to this inactivity. After the absolute reduc-

tion of Wales under the English government, Rees ap Meredoc, or Meredith, was the most conspicuous subject of that country, both by his princely descent, and large possessions. Edward thinking to win him over to his interest, had loaded him with favours, which served only to nourish his ambition. He thought the king's absence presented a fair opportunity for rousing the courage of the Welsh, not yet reconciled to subjection, and for his mounting the throne of British princes. His ambition at first broke out in his refusing to appear at Edward's courts, when summoned by lord Payne Tiptoft, the warden of the royal castles; and the lord Adam Plucknet, Edward's steward in Wales. This refusal brought on quarrellings, which ended in bloodshed among the followers of the several parties; and at last, notwithstanding Edward's admonitions, Rees took the castles of Dyneover and Llanandover, and burnt down several towns. Edward, unwilling to come to extremities, was at first satisfied with issuing out writs, ordering his military tenants to attend his brother at Gloucester, three weeks after St. John Baptist's day; without yet naming the enemy against whom they were to march. But the rebels gathering strength, it was found necessary to repeat the summonses for a more general ar-

Rees ap Meredoc raises a rebellion in Wales.

Rym. vol. 2.  
P. 342.

The earl of Gloucester's conduct.

ray, and the cause is expressed, to march against Rees and the other Welsh rebels; the earl of Gloucester being declared general of the expedition. But it appears that his commission was superseded by the earl of Cornwall, which afterwards had a very bad effect upon the king's affairs. It would likewise appear as if the other great noblemen in England had been in some doubt, with regard to their behaviour in this expedition; for we find a chart issued in Edward's name, by which the earl-marshal of England, with other earls and barons, were previously indemnified for the hostilities they should commit, in their expedition against the rebels. At last the earl of Cornwall put himself at the head of the English troops, and marching into Wales, he forced Rees to retire to the fastnesses of the country, which gave him an opportunity of besieging one of his castles, called Ruslin. The place was first attempted by mine; but the miners, unskilful in that service, had propped the mine so weakly, that it fell in, and crushed to death the lord Stafford and the lord William Montchansay, as they were viewing it through curiosity. The castle, however, was taken; but the earl of Gloucester, on whom Cornwall chiefly depended, being either disabled, or, which is most likely, disobliged, for not having the chief command in the expedition, remained unactive. This disconcerted Cornwall so much, that, unable to force Rees at that advanced season of the year, he was obliged to return to England. Our historians have told us, that, before his return, he concluded a truce with the enemy, who broke it about the following Christmas; but this I think unlikely, especially as the truce is said to have been concluded by the mediation of the earl of Gloucester. For we find that the earl



A. D. 1287.

Rees flies into Ireland.

The citizens of Bourdeaux rebel.

Eleanor, the queen-mother, commences nun at Ambresbury,

and obtains a dispensation for holding her jointure.

State of England during Edward's absence.

Rym. vol. ii. p. 366.

of Cornwall was returned to England in the beginning of November, during which time the Welsh were continuing their depredations with great success upon the English, and had laid siege to the castle of Emelen. This appears by a summons issued in the king's name at this time by the earl of Cornwall, commanding the marchers of Wales to take arms against the rebels; and not to lay them down, but pursue them night and day, till the rebellion of Rees was quelled. In this summons no mention is made of the breach of any truce, which probably would, had any been contracted. The summons, however, seems to have had the desired effect; for the Mortimers, L'Estranges, and other marchers, taking arms under lord Robert Tiptoft, who was justiciary of Wales, checked the rebels so effectually, that they mastered several of his castles, then set a price on his head, and would have made him prisoner, had he not, by the contrivance and favour of the earl of Gloucester, escaped over into Ireland.

In the mean time, Edward was not idle in France. The citizens of Bourdeaux, while he was negotiating the liberty of the prince of Salerno, had formed a conspiracy to deliver that city into the hands of the French; but Edward's vigilance surprized the chief conspirators, whom he hanged, and then the city returned to its duty. But this attempt could not fail to put him on his guard against the court of France; which might be the reason why he remained abroad, while his presence was so much wanted in England. While he continued there, he received news that his mother, who had grown a great visionary, was commenced nun in the convent of Ambresbury, where she had for some time resided; and that, notwithstanding her vow, the pope had granted her a dispensation for holding her jointure. Edward could have nothing to object to this, as it did not fall within the statute of mortmain: and we learn, that, about the same time, his queen and he had a narrow escape from lightning, which broke into their chamber, and killed two of their domestics who were in waiting.

But the war with Wales was not the only calamity that befel England through Edward's absence. The courts of justice were infected by corruption; the public roads were infested with robbers; and the wise and virtuous, throughout all the land, bewailed the absence of their monarch. But fresh difficulties had fallen in; the king of Arragon complained, that the conditions of the late treaty, for the deliverance of Charles, had not been observed. The king of England entered a solemn protest against the king of Majorca taking on himself the title of king of Sicily; and it appears that Edward was obliged to take a second journey to Arragon, to have an interview with that king. More difficulties than ever were thrown into that negotiation. The prince of Salerno had either been unable or unwilling to fulfil his engagements; and the king of Arragon strenuously insisted upon his surrendering him-

self a prisoner, as had been agreed on. But all difficulties were at last happily surmounted by the unwearied application of Edward, who prevailed on the city of Bourdeaux, and several other principal places belonging either to himself, the prince of Salerno, and even to the king of Arragon, or to other princes, to engage for the fulfilling the agreement. It is incredible how many procuratories, and oaths of persons and cities, were given and taken on this occasion; and what a variety of traverses the negotiation met with. But, at last, Edward, with incredible labour, obtained a full acquittance, on the part of the king of Arragon, both as to himself and the prince of Salerno; an instance of disinterested generosity, seldom to be paralleled among princes!

But this generosity bringing him into great distress for fulfilling his engagements, he made an attempt to be supplied from England. For this purpose, in February 1288, he ordered a parliament to be summoned at London, which met in a very bad humour, occasioned, no doubt, by his long absence. For when the bishop of Ely, lord high treasurer, had opened the session with a speech, setting forth the king's vast occasions for money, and therefore demanded a general subsidy, not only from the earls and barons, but from all the commons of the kingdom, he met with a flat refusal. The earl of Gloucester, who was chosen speaker in this parliament, answered, in the name of the whole assembly, That they would not advance one penny by way of supply, until the king should be present among them in person. All the address of the court party could not get over this resolution; and the government was obliged to supply itself by a severe tallage upon cities, boroughs, and the king's demesne lands.

But the excessive plenty which happened in the year 1288 added to the general depravity of manners; and so loosely were the reins of government held, that associations were formed among the profligate, which, unless speedily checked, threatened an universal dissolution of order. The fair of St. Botolf, or Boston, in Lincolnshire, was generally crowded by the richest merchandize all over the kingdom. One Chamberlain, a gentleman needy in his circumstances, and abandoned in his morals, but in high reputation for his personal address in arms, formed a design, with his colleagues in like circumstances, for surprizing the vast treasures in this fair. The pretence of a tournament, to be held there, cloaked their appearing in arms; while numbers of the gang, in habits of black and grey friars, dispersed themselves over the town, with an intention to set it on fire, while the townsmen were employed in the fair, or intent on the sports. Their design succeeded; the flames over-ran the town, which was then large and spacious, with rapidity; and, while the merchants flew to save their houses, the gang was busied in pillaging their booths. If we are to believe the old book of Chester, there was more money and plate melted on this occasion, and

A. D. 1288.

Ibid. p. 415.

Edward's generosity.

The parliament refuses him a supply.

Robberies committed at St. Botolf's fair, by Chamberlain and his gang.



A. D. 1289. and more damage done, than all the specie in England besides could repair. At last, the thieves having made a large booty, the flames were quenched; while the townsmen, suspecting the treachery, seized Chamberlain, who suffered death, penitent for his own crime; but with such mistaken notions of honour, that, faithful even to unlawful engagements, not one of his accomplices was discovered.

It was easy for Edward, who did not return to England till 1289, to perceive the vast excesses which sprung from the corruption of justice itself. He had settled all his affairs amicably with the king of France, and, that he might be in perfect tranquility, had granted even a full acquittance to the duke of Brittany, as earl of Richmond in England, for his neglecting to serve in the late wars in Wales. He then prepared to set out for England, which he did about

The king returns to England.

Whitsuntide this year; but it was August before he arrived at Dover. After his landing, instead of setting out for London, he took a progress northward, as a mark of his disregard for that city, and visited Norfolk and Suffolk; but, in the mean time, issued out writs for the meeting of the parliament, which, however, contrary to what has been delivered by our modern historians, was not to meet till the feast of St. Hillary following. The interim was spent in the magnificent reception he met with from the citizens of London, in pompous acts of devotion, and in a visit he paid to his mother at her convent; but, above all, in preparing matter for impeaching over-grown delinquents. For this purpose, public proclamation was made, That all those who had any thing to object against his justices, sheriffs, and other inferior officers, should come in to be heard. It does not appear, however, that those delinquents were tried by the parliament held in 1290; but by a meeting of the chief nobility, at the king's court, on the Christmas before. But of this I shall not be positive; though Thomas Wykes places the proceedings against them under the year 1289, as do the annals of Waverly.

Enquires into the corruption of several judges.

The chief criminal was Thomas de Wayland, who was accused of protecting, even in his own house, the most abandoned murderers and ruffians, and compounding with them for their impunity; and was guilty of many other gross enormities. Conscious guilt made him take refuge in a church at St. Edmundsbury, where he assumed a religious habit. But Edward did so much service to Christianity, that, in contempt of religion, he dragged him from his sanctuary, and brought him to justice. He had little to plead in his own vindication, other than that his quality of knighthood ought to exempt him from suffering shamefully on a gibbet; the court therefore changed his punishment into confiscation of all his estate, and perpetual banishment. As to the other delinquents, they were chiefly charged with remissness, particularly in not checking the proceedings of Sir Thomas Wayland: Edward, therefore, thought it sufficient, as they

were clergymen, to put them in irons, and to fine them in the following proportions, viz. Sir Ralph Hengham, chief justice of the higher bench, seven thousand merks; Sir John Loveton, justice of the lower bench, three thousand merks; Sir William Brompton, justice, the like sum; Sir Solomon Rochester, justice of assizes, four thousand merks; Sir Richard Boyland, four thousand merks; Sir Thomas Soddington, two thousand merks; Sir Walter Hopton, two thousand merks; (the four last were justices itinerant) Sir William Saham, three thousand merks; Robert Lithbury, master of the rolls, a thousand merks; Roger Leicester, a thousand merks; Henry Bray, escheater and judge for the Jews, a thousand merks. But, as Mr. Tyrrel tells us, the most extraordinary fine of all was that imposed upon Adam de Stratton, a clerk of the court, which amounted to no less than thirty-two thousand merks of new money, besides plate and jewels.

A. D. 1290. who are fined,

Edward's next care was to fill up the benches of the law with more worthy judges. William de Marche, upon the death of the bishop of Ely, was made lord high treasurer; and John de Mettingham, and Elias de Bebingham, clerks; with William de Gifelham, and Robert de Hertford, were appointed judges.

and other judges appointed.

Before I close the transactions of this year, the order of history requires that I should lay before the reader Edward's conduct with Scotland, which now begun to be, and ever after continued, the main business of his reign. It was not long before the regency of that kingdom, though consisting of its wisest heads, fell at variance. The earl of Buchan's death contributed to this not a little; and the brave earl of Fife being murdered, the remaining four found themselves too weak to preserve their authority. The steward, however, sought to strengthen himself not only by a bond of association among the Scots, but by an alliance with the earls of Gloucester in England, and Ulster in Ireland. The court of Norway was too much interested in those distractions, which threatened the ruin of the queen of Scotland's interest, not to interpose: but the well-known jealousy of the Scots, with regard to foreign power, made Eric resolve to have recourse to his faithful friend the king of England; and from thence, probably, sprung the main ambition which Edward afterwards carried into a temporary, though total, subversion of that brave, but divided, people's dependency. We find the king of Norway im-  
Rym. vol. iii; p. 416.  
powering his commissioners to treat with Edward upon the affairs of that kingdom; but not, as a Scotch historian, with the Abercromby, commission lying before his eyes, has affirmed, in presence of the Scots themselves. No mention is made in it of any such thing; and, to tell the truth, the commission itself carries with it a clandestine air, which could not fail of exasperating the Scots: for so excessively tender were this people, at that time, of admitting any foreigner to intermeddle in their affairs, that they would not suffer even a foreign religious to settle among them,



A. D. 1290.

or to bear the least office of power or profit.

It very possibly was owing to Edward's application at the court of Rome, that we perceive, at this very time, the pope directing a bull for the indiscriminate admission into that kingdom of all foreign religious, those most dangerous tools of foreign ambition. Be this as it will, Edward soon found means to give the negotiation, between him and the Norwegian commissioners, a turn very agreeable to his own views; for he privately entered with them into a treaty of marriage between his young son Edward and the Scottish queen. The Scotch historians, as I have already hinted, tell us, that this marriage was before proposed by Edward's ambassadors, in an eloquent speech, which had been made at the convention of Scone, after the death of Alexander, their late king. In this they have been followed by some of the English writers, both ancient and modern. The truth, however, seems to have been, that the matter was made up between Eric and Edward, without any participation at all of the Scots. Their consent, however, being necessary, after some conferences with the Norwegian commissioners, Edward made no secret that the negotiation with them tended to take the government out of the hands of the then regency of Scotland, and to put it into those of the queen, whose tender years, I think, made this measure both ridiculous and unjust. But all absurdities sink before the career of ambition. Edward took advantage of the king of Norway's commission, to require, in a very positive manner, the regency of Scotland to send up a deputation to assist in the conferences. The Scots, on the other hand, answer him in these remarkable terms: "That, in pursuance of his prayer and request, they had appointed the bishops of St. Andrew and Glasgow, with Robert Bruce lord of Annandale, and John Cummin, to attend as their deputies, with full powers; but with a salvo to all the liberties and honours of the realm of Scotland." The conferences were opened at Salisbury; and there were present, on the part of Edward, the bishops of Worcester and Durham, with the earls of Pembroke and Warren. The negotiation seems to have proceeded with great caution; the marriage was slightly, if at all, touched; but Edward gained a very great point, in bringing the Scots to consent upon the whole,

First, That the young queen should be sent into England, or Scotland, about the feast of All-saints following; but free of all marriage engagements.

Secondly, That, in case she should be put into Edward's hands, he should, as soon as the troubles of Scotland were appeased, send her, in like manner, free into her own dominions; the Scots engaging, on their parts, not to dispose of her in marriage, without his, or her father's, consent.

Thirdly, The ministry in Scotland was to be modelled, in effect, according to the pleasure of Edward.

Lastly, The Scots were to give security for the performance of all this to Edward's

commissioners, who were to meet them at Newcastle, upon the borders between both kingdoms, about the middle of Lent ensuing.

It is no hard matter, from a review of those articles, to pronounce, that the Scotch commissioners betrayed both the honour and interest of their constituents. That the alternative of her landing in Scotland was only for form, appears by a separate chart, granted by the king of England to the Scotch and Norwegian commissioners, by which he engages to give the young queen handsome entertainment when she shall be put into his hands. This chart is dated at Clarendon, the 6th day of November; and the dispensation for the marriage between the young queen and Edward, on account of consanguinity, is dated on the 14th of the same November. It was impossible for so sensible a people as the Scots were, not to foresee the grimace and insincerity of this proceeding; and, though they had nothing to object against the measure itself, yet a strong party was soon formed against the manner in which it was conducted. They thought it very absurd that Edward should oblige himself to deliver a lady to her own subjects, free of all matrimonial engagements, when, at the same time, it was notorious that he had procured a dispensation for her marriage with his own son. Those considerations, however, were not sufficient to overthrow the negotiation, no more than a letter he had wrote, with an air of superiority to the regency, as if he intended in person, or by his commissioners, to supervise their conduct. Edward immediately informed the court of Norway of the dispensation, and a great meeting of the Scotch noblemen and barons assembled at Brechin approved highly of the match, but upon certain conditions, which were to be by them committed to their deputies in England. It does not all this time appear, that Edward had, in form, communicated the pope's dispensations to the Scotch nobility; for, in their letter on this occasion, they speak of it as a thing they had heard by report. The Scots, at the same time, wrote a letter to the king of Norway, entirely approving of the match, and of his sending the princess into England; provided, withal, that Edward granted them the fore-mentioned conditions. Edward, upon this letter, instantly sent the bishop of Durham to Norway, with a formal demand, that the lady should be immediately sent to England; and assuring Eric, that the Scots had given their consent to the match; but without any mention of conditions. But Eric having, before this, received the letter of the Scotch nobility, was it seems in no haste to comply with this request, till he should hear farther from Scotland. This put Edward under great uneasiness; and we find that he had given bond to the Scotch regency for the payment of three thousand marks at Berwick, in case the lady was not put into his hands, or sufficient security given for the same, before the feast of All-saints following. But indeed the instructions which

A marriage proposed between young prince Edward and the queen of Scots.

Edward's views.

Agreement between Edward and the deputies of Scotland.

A. D. 1290.

Detrimental to the Scots.

Rym. vol. ii. P. 445.

Ibid. 472.



A. D. 1289. the Scots had sent to their deputies were such, as put Edward under great difficulties; not being able to get over them, he excused himself from complying, because of the insufficiency of the powers of the Scotch commissioners. At the same time, thinking he could come more easily to his purposes by forming a party in Scotland, he appointed the bishops of Durham and Carlisle, together with the earls of Warren and Lincoln, Sir William de Vescy, and Henry de Newark dean of York, to act as his commissioners in the convention of the Scots at Brechin. Here it was agreed previously,

Previous agreements between king Edward and the Scots, with regard to the intended marriage.

First, That the Scots should enjoy all their privileges and immunities, both ecclesiastical and civil. But there is here an ambiguous, and indeed an insidious, salvo, which was, saving the rights of the king of England, or any other person, on the marches, or elsewhere.

Secondly, That if Edward and Margaret shall die, without issue of the body of Margaret, the kingdom shall revert entire, free, absolute, and independent to the next immediate heir. To this and the subsequent articles no salvo's were added.

Thirdly, That, in case of the death of prince Edward without issue of the body of Margaret, her majesty's person shall be remitted, in like manner free and independent, to Scotland.

Fourthly, That no person, either ecclesiastic or laic, shall be compelled to go out of the kingdom, to ask leave either to elect, or present their elects; nor to do their homage, fealty, and services; nor to prosecute law-suits; nor, in a word, to perform aught usually performed in Scotland.

Fifthly, That the kingdom of Scotland shall have its chancellor, officers of state, courts of judicature, &c. as before; and that a new seal shall be made and kept by the chancellor; but with the ordinary arms of Scotland, and the name of none but the queen of Scotland engraved upon it.

Sixthly, That all the papers, records, privileges, and other documents of the royal dignity of the crown and kingdom of Scotland, shall be lodged in some secure place within the kingdom, at the sight of the nobility, whose seals shall be appended to them, and there kept till either the queen shall return to her own kingdom, or shall have heirs to succeed her.

Seventhly, That parliaments, when called to treat of matters concerning the state or inhabitants of Scotland, shall be held within the bounds of the kingdom.

Eighthly, That no duties, taxes, levies of men, &c. shall be exacted in Scotland, but such as, being usual in former times, shall consist with the common interest and good of the nation.

Ninthly, That the king of England shall oblige himself, and his heirs, in a bond of one hundred thousand pounds sterling, payable to the church of Rome, in aid to the Holy Land, to make restitution of the kingdom in the cases aforesaid; and that he shall consent that the pope restrain him, and his heirs, by excommunicating them, and interdicting their kingdom, both to the foresaid restriction, and payment of the said sum of money, if he or they do not stand to the premises.

Lastly, That Edward, at his own charges, shall procure the pope to confirm these articles within a year after the consummation of the marriage; and that, within the same time, the bull of his holiness shall be delivered to the community (that is, the barons and prelates) of the kingdom of Scotland.

These were articles well worthy of a wise and independent people; but such among them as had the high spirit of liberty, were far from approving of the ambiguous salvo I have already taken notice of. An opposition was soon formed, of which Robert Bruce, lord of Annandale, had the address to put himself at the head. There is but little reason to think, that disappointment and ambition were not the chief motives of that nobleman's patriot conduct, as he was one of the commissioners who, at the first opening of the negotiation, had, as I have already observed, so shamefully betrayed the interests of his constituents. But noble actions often proceed from interested motives, and virtue sometimes has a charm to render men really what at first they only affected to seem. Edward had brought entirely over to his interest the bishop of St. Andrew's, who served him as a kind of spy upon the actions of his countrymen. From him he learned, that soon after Michaelmas, 1290, a convention of the states was held at Perth, for carrying into execution their late engagements with the courts of England and Norway; but that Robert Bruce, upon a groundless report of the young queen's death, had advanced with a body of men, to hinder, as the bishop conceived, the proceedings of the assembly; and that the earls of Mar and Athole, with other noblemen, were putting themselves in arms, though with what view he was ignorant. As to the rest, the bishop refers Edward to what should be communicated to him from John Baliol, who was sent, on behalf of the party, to concert measures with him, in case the queen should die. He concludes with scandalously advising Edward, in so mournful an event, to advance to the borders of Scotland, to enforce the late conventions between the two kingdoms, and to secure the succession to the next heir, provided he was subservient to his (Edward's) determination (1).

An opposition to Edward formed in Scotland.

Correspondence between him and the bishop of St. Andrew's.

Edward

(1) Abercromby remarks upon this letter, first, That Robert Bruce and his friends were against the union, else why should not they have been present at an assembly designed for nothing else but to welcome home, and to countenance the marriage of, the queen? Secondly, That the bishop of St. Andrew's and John Baliol were of a party, and both in the interest of king Edward; the first, because caressed by him, and preferred to be one of his chaplains; the second, because assured of, at least made to hope for, more than ordinary favour. Thirdly, That in case the treaty of marriage and union should, by the death of the queen, be rendered ineffectual, there was a previous concert between king Edward and the Scotch unioners agreed upon, by virtue of which the first was, by his power, to awe and bear down the opposite faction; and these last to give him the power of nominating a successor, and that John Baliol was pointed out as the man. Fourthly, That, upon the certainty of the



A. D. 1290.

Joan of Acon  
married to the  
earl of Glo-  
cester, and the  
princess Mar-  
garet to the  
duke of Bra-  
bant.

Edward having raised upwards of one hundred thousand merks, as a fine upon the corruption of office, the parliament, in the beginning of the year 1290, went on in the dispatch of business. Little seems to have been then done, besides making some farther regulations as to the judges of the kingdom, particularly by obliging them to take an oath that they should receive no bribe nor consideration, besides eatables, which they might lawfully take, for administering justice. But, besides the marriage on foot with the queen of Scots, Edward had now concluded the other two treaties of marriage, between his two daughters, Joan of Acon, and the princess Margaret, with the earl of Gloucester and the duke of Brabant. Accordingly, in the beginning of May, the former were married, as were the latter in the beginning of July following. It is very probable that the fitting parliament was consulted with, and approved of both those marriages; and that of the earl of Gloucester took from the opposition to the court its most dangerous and powerful support.

The Jews dis-  
tressed,

and totally ex-  
pelled Eng-  
land.

Among other grievances which the nation suffered, and to which its depravity of manners was owing, the extortion of the Jews was not the least. It was extremely convenient for Edward, on a double account, to punish this race, both as it was a popular measure, and as it supplied his coffers. A statute concerning Jews is therefore passed this parliament, by which, according to the learned Sir Edward Coke, they were prohibited from taking any usury for money. It is uncertain whether their continuance of this practice occasioned the government to take severer measures for suppressing it, or whether it proceeded from an arbitrary act of Edward, they were this year totally expelled out of England. The learned lawyer I have last quoted thinks that, the late statute taking from them the means of subsistence, they petitioned for liberty to leave the kingdom. This I think to be probable; and he justly observes, it took off the odium of the act, that their banishment was in consequence of their own petition. I would take the liberty to add, that such a petition greatly justified Edward's severity, which, at first sight, seems inexcusable. For we are told, that he seized upon all their moveable estates, consisting of bonds and mortgages; a measure in some degree necessary, as it prevented a great part of the nation's wealth from falling into the hands of those, who thenceforth were to be deemed foreigners. Some authors go so far as to say, that Edward likewise seized all their money and effects, leaving them only what was necessary to defray their expences in their voyage to the continent; but this was both inconsistent with common justice, and agrees but ill with a well-attested inci-

dent. For we are told, that many of them, for the sake of their wealth, being murdered by wicked mariners, the king gave orders to proceed capitally against the criminals, several of whom were executed. Upon the whole, it is certain that the Jews this year suffered a total expulsion out of England.

A. D. 1290.

Edward, at the same time, had formed so many important projects and alliances, that his waste of treasure was great, and demanded a proportionable supply. Most of the petty princes of Europe, which formerly were so useful to the capital enemies of his kingdom, either depended on him for subsidies, or were connected with him by alliance. His money, it is plain, had formed a strong party in his favour among the Scots; and he had found the art even to lull asleep for some time the treble Cerberus of Rome. Hitherto he found the secret of raising supplies without unpopularity; but this year, according to my authorities, he was forced upon a violent and an oppressive measure. For he raised, by proclamation, a fifteenth from all the subjects of England, without exception, upon the moveable goods; and it was collected with such severity, as cancelled in the minds of many the remembrance of former merit. But to return to Scotland.

The news of the death of the queen of Scots, instead of an idle rumour, proved to be a fatal certainty. Sir Michael Scot, and Sir David Weemyss (the ancestor, if I mistake not, of a noble family still in being) had been sent as ambassadors, by the community of Scotland, to receive her, and conduct her, at the public expence, into her own dominions. From this circumstance we have a farther proof of the jealous spirit of the Scots, who thus disappointed Edward in his favourite view of getting the young queen's person into his own hands. But in her passage she died; and with her fled the tranquility, and for some time the independency, of that people. Edward, immediately upon signing the late articles, looking on the contract between the young queen and his son as confirmed, and himself as the natural guardian of both, had sent down the active bishop of Durham into Scotland, with a commission to inspect the conduct of the government there; and, as yet ignorant of the young queen's death, was, in pursuance of the bishop of St. Andrew's advice, preparing himself to follow in person: but, as he was on his road, his beloved Eleanor died. Ambition, strong as it was in Edward, on this occasion gave way to affection. He instantly returned to Westminster with her corpse, and, by the magnificence of the obsequies, he strove to express the greatness of his loss (1).

The queen of  
Scots dies in  
her return to  
Scotland from  
Norway.

Queen Eleanor  
dies.

But

the rumour that was spread of the queen's death, the animosities of parties must needs be heightened, and the nation be thereby necessitated to undergo all the calamities of a civil, and at the same time probably foreign, war; (for it was not to be supposed that a neighbour, of the character and power of king Edward, would stand by an idle spectator;) or to submit their differences to the determination of a prince, who, had they declined his arbitration, was, together with the party he had among themselves, able to force it upon them. Hist. of Scot. fol. 462.

(1) King Edward was accompanied in his journey to Scotland with his queen Eleanor, who fell sick, and died of a fever at Herdby in Lincolnshire, in her journey; at which great loss, the king, being hugely afflicted, returned presently to London, to be present at her obsequies, which he ordered to be performed with great magnificence. To this end, her corpse was removed



A. D. 1290.

The succession  
of the crown  
of Scotland.

But a little time soon reconciled Edward to business. The death of the queen of the Scots was an event which awakened all his ambition, and called forth all his policy. That he had, before that time, an eye upon the sovereignty of Scotland, is scarcely to be doubted; but he hoped to acquire it in his family rather by compact than claim. He knew how easy it was, when the persons of sovereigns are united, to unite their interests; and how naturally a people, in the shadow of independency, forget its substance. The forms of liberty were taken care of by the late provisions to the Scots, and a little time would soon banish its spirit. But it was now no longer in his power to proceed by gradual courses, and all his dependance then lay in division. The act of succession made in the reign of Alexander III. was now void, and the legislature of Scotland had made no farther provision by which the succession could be determined. Edward knew he was well served in Scotland, and that the interests of the competitors were incompatible. His creature the bishop of St. Andrew's was closely connected with Baliol, one of the greatest of the Scots, and most powerful competitor for their crown. Between him and Robert Bruce that kingdom was divided.

John Baliol's  
claim.

Baliol had a great estate in France, and in the north of England; his following in Scotland was not so considerable through personal, as through accidental, interest. For being considered as the head of the English party there, he was joined by the Cummins, whose greatness rendered them obnoxious, and he was abetted by the regency, which had all along been extremely favourable to Edward's views. The death of the late queen called the attention of the public upon the posterity of David earl of Huntingdon, brother of Malcolm the Maiden, who died in December, 1165, and of William who succeeded him, and died in the year 1214, the lawful issue of both being now extinct. This earl David left three daughters, who had issue, Margaret, married to Alan lord of Galloway, whose daughter Dervegild, by John

Baliol, was still alive, and had issue, John Baliol, the competitor to the crown in right of his mother, who resigned her claim in his favour. If we suppose the crown of Scotland to have been an allodial fief, descending equally to females as males, there can be no manner of doubt but this claim had, in point of justice, the preference of all others.

A. D. 1290.

Bruce, as I have already hinted, put himself at the head of the party in opposition to the English, and had on his side what we may call the natural interest of his country. He too had a large estate in England, and in Scotland, his son having married the heiress of Carrick, and himself being possessed of Annandale and Garioch, the following of his family was very strong, and their alliances extensive. He claimed, as being the son of Isabella, the second daughter of the earl of Huntingdon, and younger sister to John Baliol's grandmother. Thus the dispute between these two rivals for a crown may be brought to a very narrow compass, viz. whether the grandson of an eldest daughter, by a daughter, or the son of a second daughter, both from an undisputed author, ought to have the preference as to that author's succession. As to the other claims, they were encouraged by Edward, the more effectually to perplex and divide; I have therefore, to preserve the perspicuity of history, thrown them into a note (1).

Robert lord  
Bruce's claim.

As to the personal merit of those two competitors, Baliol seems to have been the better, though the weaker, man; and Bruce's conduct, though virtuous, was founded on wicked principles. He had already agreed to that fatal footing which Edward obtained in Scotland, and his opposition afterwards was owing only to the preference which the milder virtues of his antagonist had found with the heads of the regency. He had great advantages from his having been considered by the late king of Scotland, failing the issue of his own body, as the heir apparent of the crown, and by the bias which it must be admitted the Scots in general had for his proximity of descent from the royal stem. Nei-

Characters of  
Baliol and  
Bruce.

removed to Westminster by easy journeys, and, some time after, buried in the church of that abbey with an august solemnity, the king himself being present in person. He ordered a handsome tomb, with her image upon it in brass, to be made over her grave, which is still to be seen at the feet of that of her husband, who also ordered several crosses of stone to be erected to her memory, with her arms engraven upon them, at those places where her body had rested, and where a solemn dirge had been sung for her soul; several of which crosses remain at this day, as at Northampton, Waltham, &c. as there were also, in the memory of those still alive, in Cheapside, and at the place from thence called to this day Charing cross; though these two last were taken down by order of the Long-parliament, A. D. 1643, as relics of popish superstition. Tyr. v. lib. 6. c. 1.

(1) Florence earl of Holland pretended to the crown of Scotland in right of his great grandmother Ada, the eldest lawful sister of William, some time king; as did Robert de Pynkney, in right also of his great grandmother Marjory, second sister of the same king William. Patric Gallightly was the son of Henry Gallightly, a bastard of king William; William de Ros was descended of Isabel; Patric earl of March, of Ilda, or Ada; and William de Vesey, of Marjory; all three daughters, though, unluckily for their offspring, only natural daughters, of king William; yet their offspring did pretend. Roger de Mandeville did the like, and had much the same reason, being, as the former, descended of a bastard daughter (her name was Aufric) of the same king William. Nicholas de Soules's right, if bastardy could give right, was nearer to the latest kings; for his grandmother Marjory, the wife of Allan de Huifer, was a natural daughter of Alexander II, and by consequence the sister of Alexander III. John Cummin, lord of Badenoch, derived his title from a remoter source, Donald Bane, who had usurped the crown about two hundred years before this time; but he was willing to lay by his pretension in favour of John Baliol: he might also have added, in favour of Robert Bruce and John Hastings; for, to say the truth, none but these three had colourable pretensions; nay, that of Hastings was scarcely such, when balanced with that of Bruce: both were the immediate sons of the immediate lawful daughters of earl David, the brother of Malcolm the Maiden, and of king William. But Ada, the mother of Hastings, was the younger sister, who must therefore yield to Isabel, the mother of Bruce; but then both Isabel and Ada were younger than Margaret, who was the grandmother of John Baliol; and this last did most justly urge (and, had the succession been then regulated as it is now in all hereditary sovereignties, he had carried it without dispute) that, since he lineally descended of Margaret, the eldest daughter of earl David, (with whom, had he been alive, none living could have contended) he was to be preferred to Robert Bruce and John Hastings, although nearer by one degree to the same earl David. These two, on the contrary, pleaded, that they were preferable not only to John Baliol, the grandchild of Margaret; but also to Dervegild, her daughter and his mother. The reason they gave was this: Dervegild and they were equally related to their grandfather earl David; she was indeed the daughter of his eldest daughter; but she was a woman; they were men; and, said they, the male in the same degree ought to succeed to sovereignties, by their own nature impartible, preferably to the female. Abercromby's Hist. of Scot. vol. i. p. 463, 464.

the:



A. D. 1291.  
Reflections  
on the Scotch  
succession.

ther can I omit taking notice in this place, that the usages and constitutions of the Scotch monarchy seem to have been very averse to female successions. We need no stronger proof of this than the act of succession in favour of the late queen, which, as we have already mentioned, was made in the year 1283. This act I can look upon in no other light than as a pragmatic sanction, conveying a right not sufficiently established by the pacta conventa of the realm. If the young lady's right, without it, was clear and indisputable, such an act served rather to her prejudice than her security. Farther, upon the principles of female succession, secured by no pragmatic, Alexander, the last king of Scotland, could never have considered Bruce as heir to his crown, failing his own issue; because, by those principles, the right of his daughter immediately devolved upon Baliol's mother. But if we suppose, what, from the complexion of history, we may indeed well do, that this pragmatic conveyed a right, which, without it, had been doubtful; and that, otherwise, the bias of the constitution would have carried it to male succession, we need no longer be at a loss to account for Alexander's partiality to Bruce. Upon the whole, we may venture candidly to pronounce, that the decision of this question depended upon that of Scotland's independency. If that crown was dependent upon England as a fief, the succession was to be judged by the laws of England, which indisputably gave the preference to Baliol; but if the realm of Scotland was sovereign and allodial, I am, though with great diffidence, of opinion, that the proximity of the male to the undoubted author, took place of the more remote descent by a female, though in a direct and elder line.

Reflection on  
the heats of  
this dispute.

A prince of Edward's sagacity and quickness could not but at one view take in all those considerations, and see on what hinge the controversy must turn. Unworthy and unbecoming partiality were it in us to enter into the heats and prejudices which directed both the swords and the pens of the two people in this important controversy. Let traditionary, let national, let hereditary rancour give way to truth, founded on simple (the only true) historic relation. The parties in this competition were quickly sensible, that, without an umpire to decide their differences, their country, which had long enjoyed the blessings of peace, must soon become the scene of civil rage and devastation. It was easy for the English party to propose Edward, a prince the uncle of the late queen, his family faithfully served by Scottish arms, and his councils long supported by their interest; not to mention the near prospect he lately had of being father to their princes. Notwithstanding what is come both from English and Scotch pens, I cannot find that this is directly proposed to Edward by any authentic deed of the Scotch estates, commissioning them for that very purpose. There is not, however, much room to doubt that every thing was made up between him and his party in Scotland beforehand. But

Edward pro-  
posed as um-  
pire.

this meeting at Norham can never, on the face of the records, be construed into a parliament; it was no more than an assembly for adjusting the preliminaries of the dispute, the chief of which was to arrange the number of candidates, and to establish Edward's supremacy, as lord paramount of Scotland; a claim which he had not yet ventured to declare in direct terms. Neither is Edward at all to be blamed for obliging the Scots to attend him in his own dominions, since, upon the first face of the thing, he had undertaken the arbitration only for their service.

It cannot, however, be denied, that he was resolved to carry his point at any rate; for we find, by the records, that he had, six weeks before the date of the safe conduct, taken care to summon together a large body of troops at Norham. But we perceive, by an authentic act of the proceedings of the court, that the conferences opened the tenth of May; yet still I cannot find that this meeting ought to be termed a parliament, since there were present at it not only the bishops, prelates, earls, barons, and knights; but many of the common people, both clergy and laic. But the Scots were astonished, when Brabançon declared, in express terms, Edward's claim of superiority over the kingdom of Scotland; offering to prove it from monuments and other documents; and insisting, that, previous to all farther proceedings, it should be admitted: in which case, he promised, in his master's name, that the proceedings should be free and impartial.

Rym. vol. ii.  
P. 542.

Multis popu-  
laribus.

King Edward  
claims the di-  
rect superiori-  
ty of Scot-  
land.

Had this meeting been a parliament, they might have proceeded to a direct answer; but they pleaded, that many of the noblemen and prelates of Scotland were absent, whose advice, together with that of the whole community, was necessary on so important a point. This demand seemed a little to disconcert Edward; especially as, according to Walsingham (though the record takes no notice of that) the Scots answered, that the determination of the question did not lie in their breasts, who knew nothing of such a right; but ought to be referred to their future king. Edward could not admit of this excuse; he ordered them to give in an express answer the next day, the 11th of May, when assembling in Norham church, all the favour they could obtain was, a prorogation of their time for three weeks, at least till the 2d of June following, for giving in their answer. It was in this interim Edward declared, that he did not mean the passing the Tweed by the Scots, at his request, should ever after turn to the prejudice of them, or their realm. We likewise find, of the same date, viz. May 31, safe conducts for the Scotch nobility to repair to Norham. How far the meeting may now be said to have been a parliament, I shall not determine; neither do I think it material. But when the assembly was resumed, the bishop of Bath and Wells, in Edward's name, observed, that the Scots had been indulged in a delay of three weeks to produce, if they could, any documents for invalidating his right of superiority over the kingdom; but



**A. D. 1222.** but that, as they produced none, his master was resolved to make use of his right of direct sovereignty, and thereupon to proceed on the merits of the several candidates.

Remark.

It requires little pains to animadvert on the violence, not to say the injustice, of this proceeding. What meetings could be formed, what researches into ancient records could be made, or what satisfactory answers could be drawn up, in the space of three weeks, during which time the parties were to meet from distant parts of both dominions, and to return to the same before the term expired? Besides, as the Scots observed very well, the question was not proper for their cognizance, but that of their future king. But, indeed, to whom were they to give in this answer? To the judge. And who was that judge? The party. Add to all this, the troops which environed the assembly, which, however brought on pretence of safety, could not fail of inspiring with the idea of danger, in case of refusal. In the mean time, to save appearances, Edward's pretensions were recapitulated, which chiefly were founded on exploded fables of dark antiquity, extorted deeds during severe confinement, or impious forgeries of monkish superstition. Edward, however, carried his point. The several candidates, Bruce among the first, acknowledged his right of superiority; and from thenceforth Edward considered himself as paramount sovereign of Scotland. The candidates, in all, were eight; their names, and the form of their recognition, as follows:

To all who shall hear this present letter.

The charter of submission and recognition of all the competitors for the crown of Scotland to Edward,

" We Florence, earl of Holland; Robert de Bruce, lord of Annandale; John Baliol, lord of Galloway; John Hastings, lord of Abergavenny; John Cummin, lord of Badenoch; Patrick de Dunbar, earl of March; John Vesey for his father Nicholas Soules; and William de Ross, greeting in the Lord. Whereas we intend to pursue our right to the kingdom of Scotland, and to declare, challenge, and aver the same before him that hath most power, jurisdiction, and reason to try it. And the noble prince Edward, by the grace of God, king of England, &c. having informed us, by good and sufficient reasons, that to him belongs the sovereign seignory of the same: we therefore promise that we will hold firm and stable his act; and that he shall enjoy the realm to whom it shall be adjudged before him. In witness whereof, we have here set our seals to this writing, made and granted at Northampton, the Tuesday after the Ascension, in the year of Grace 1291."

At the same time Edward, by his chancellor, declared before the assembly, that, by acting as superior of Scotland, he did not mean to exclude himself from prosecuting any claim he might have to the property of its crown by hereditary right. Upon this the candidates made their several claims; but Edward very artfully suggested, that it

was in vain for him to pronounce sentence, without having in his hands the means of enforcing it. In short, he made a demand of having all the castles and strong-holds in the kingdom put in his possession; but withal, engaging to deliver them back again to the person who should be found to have the best title to the crown. Even this was agreed to; but Gilbert de Umfraville had the spirit to refuse to deliver up the castles of Dundee and Forfar, they being, as he very justly observed, entrusted to him not by the king, but the community, of Scotland. Besides, till the affair of the succession was determined, there was then no power in being which had a right to demand them from him; but this plea was over-ruled. Edward being thus, in effect, master of Scotland, joined an Englishman in commission with the elect chancellor of that kingdom; and lastly, a commission was issued out, that Baliol and Cummin, whose interests were inseparable, should chuse forty commissioners, and Bruce forty more, and that Edward should add twenty to make up the number a hundred. These were to examine into the pretensions of the candidates, and to make their report to Edward. The place of meeting was to be Berwic upon Tweed, the time the 2d of August following; and, in the mean time, Edward received and returned the resignations of the several governors of castles in Scotland, who re-accepted of their charges to hold them by his authority. The rest of the interval was spent in Edward's taking the homage of the chief of the Scots, who seem to have been precipitated into this submission. Being now, as he thought, secure from opposition, he went so far as to declare, that though he had fixed the place where the controversy in hand was to be decided within the kingdom of Scotland; yet that precedent should not tie him up to any like observance for the future.

When the examiners sat at Berwic, the number of competitors increased to twelve. Their several claims are needless to be related, they being both frivolous, and immaterial to this history. Neither shall we enter into any detail of the several authorities upon which Edward founded his claim of superiority over Scotland, as they shall be considered in a future dissertation. The time for the examination being come, Edward, who had in the mean time paid the last duties to his mother, who died about Midsummer, returned to Berwic, where the examination opened; and, after various canvassings of the several titles, it was agreed to set all aside but those of Baliol and Bruce. But still one difficulty remained, viz. by what laws and usages the trial was to proceed. I have already given my reasons why judgment might have passed in favour of Bruce, had the question been tried according to the constitution of Scotland; but this could not have answered Edward's views. Baliol and his party were the main supports of his interest in Scotland. Bruce was an interested and ambitious man, and though perhaps he might have readily closed with Edward's views,

**A. D. 1292.**

who has the castles and forts of that kingdom delivered up to him.

Eleanor, the king's mother, dies at Ambresbury.



A. D. 1292. yet he was not sure of bringing over his party. The commissioners of both competitors were equal in number; the English who had been added by Edward were diffident in the point; and indeed the difficulty was in some measure owing to Edward's own method of proceeding. For, upon his return to Berwic, after his mother's interment, he made a tour through the principal places of Scotland, viz. Edinburgh, Stirling, Dumfermling, St. Andrew's and Perth, where he endeavoured to win popularity; and could he now make the decision of the great question in favour of Baliol agreeable to the usages of Scotland, a great point was carried. It is true, two inferior questions arose out of the main one, about the rule of decision. One was immaterial, How the king should proceed, in case of a diffimilitude between the laws of Scotland and England? The other was more sensible, Whether the question relating to Scotland ought to be determined in the same manner as those regarding the great fees in England? It would have been extremely hard for Edward, admitting all his arguments of superiority, to have put Scotland on the same footing as a fee granted for military service. The inconsistency was too glaring and unpopular for him to venture to decide it all at once; but, preparatory to it, he issued a writ, by which the kingdoms of Scotland and England were declared to be united, on account of his superiority. This gave the proceedings a new turn, as it took from the Scots even the shadow of independency. It likewise smoothed the way for the commissioners, whose fittings were adjourned to October, to give it as their opinion that the king might proceed according to English laws and usages; and that, if none existed applicable to the present question, he might create new ones. They farther added, that the case of Scotland ought to be considered as that of an indivisible fee. Edward perhaps did not consider, or rather did not foresee, the consequences of this last part of the determination; for, although all fees were supposed to be entire, yet, when they descended to daughters, the lands, by act of law, might have been divided, but still they were regarding to that part possessed by the eldest daughter, which was the chief feat or honour of the fee. In short, after various altercations upon trifling points, Edward thought proper to bring the whole controversy between Bruce and Baliol to one, and indeed the real, question. This was, "Whether the more remote by one degree of succession, coming from the eldest sister, ought, according to the laws and customs of these kingdoms, to exclude the nearer by a degree, coming from the second sister? Or whether the nearer by one degree, descending from the second sister, ought, by the laws and customs of these realms, to exclude a more remote by a degree, coming from the eldest sister?"

Edward issues a writ, declaring both kingdoms united by his superiority.

The claims of Bruce and Baliol reduced to a single question.

Notwithstanding all that the Scotch authors have said to the contrary, I take this to have been a fair state of the question. But supposing that Scotland was a fief of the crown of England, there could be little dispute with regard to the determination. It went clearly in favour of Baliol. It was adjudged that this was according to the laws and customs of both kingdoms. Edward, however, thought it decent not to precipitate his own sentence: he had the whole process carefully reviewed, and legally debated, before Bruce's claim was solemnly laid aside. The other candidates were now to be heard, among whom was the king of Norway, who claimed not only the kingdom, as heir to his own daughter, but all the escheats and rents of the crown during her minority, with a large sum for her education and aliment. But neither this claim, nor that of the other competitors, seem to have been much regarded: some were dropped, the others set aside. The competition, however, now took a new turn. The claim of Hastings, by the third daughter, fell of course with that of Bruce; but, if Bruce had succeeded, Hastings was preferable to Baliol. Bruce and Hastings, therefore, now united their interests, by being mean and wicked enough to retract their former pleas for having the whole kingdom considered as an indivisible fee; and they pleaded that it might, as other great fees in England were, be divided equally among the heiresses. Thus each claimed one third of the whole. It will, perhaps, be no easy matter to assign any other reason why Edward did not close in with this proposition, but that he had not foreseen the controversy would take that turn. He had now gone too far, and the principle of the indivisibility of the heritage had been too solemnly established by the court, for him to retract in that point. This new plea was therefore set aside, and Edward thereby lost the fairest opportunity he could have had of rendering the Scots an insignificant, dependent, and divided race. Little now remained to be done, but to pronounce sentence in favour of Baliol. This was done with great seeming circumspection, and on the 19th of November, 1292. "The king of England, as superior and direct lord of Scotland, adjudged that the said John Baliol should recover and have seisin of that kingdom, with all its appurtenances, according to the form of his petition, upon condition that he should rightly and justly govern the people subject to him, that none might have occasion to complain for want of justice; nor the king, as superior lord of the kingdom, upon the suit of the parties, be hindered to interpose his authority and direction; a right which the king of England and his heirs always reserved in such cases, when he would make use of it (1)."

A. D. 1292.

Bruce and Hastings demand a division of the kingdom.

The whole kingdom of Scotland adjudged to Baliol, and on what terms.

Baliol then obtaining proper seisin of the kingdom,

(1) It is said, that the earl of Gloucester, a man of great prudence and authority in England, seeing the Baliol thus made king, and Robert Bruce without reason put back, spake in this sort to king Edward: "O king! remember what is done by thee this day, sparing to give righteous sentence in this matter; for, though the same be now covered and hid, it shall be revealed when the great judge, that searcheth consciences and the secrets of every man's mind, shall cause thee to answer."



<sup>A. D. 1292.</sup> kingdom, he swore fealty on the 20th of November, at Norham, to Edward, as his liege and superior lord of Scotland; and he then set out to take possession of his new dignity.

Who does fealty to king Edward.

State of affairs upon the continent.

Rym. vol. ii. p. 538.

This transaction took up so much of Edward's time, that he had little leisure to attend the other affairs of government. He had, before this, renewed his declarations that he intended to proceed upon his expedition to the Holy Land; and the pope had been very favourable to him in the demands he had made upon the clergy. His character was so high in Europe, that the king of Hungary offered him a body of troops to serve under his command in the expedition; but Edward declined the proffer in a handsome manner, because, as he determined to go by sea, it would be very inconvenient for those troops to join him. The fame of so great a warrior had even struck terror into the Tartars themselves (for so the history of those times calls the Saracens who then infested Asia) and an ambassador from that people now arrived in England, with propositions to Edward. The pope, however, did not fail vigorously to press Edward to hasten his expedition. He not only sent him bull upon bull for this purpose, but ratified and enforced his grant of the tenths, both in Scotland and Ireland. Edward was at Berwic during all this time; but this did not hinder him from renewing his alliances with the earl of Flanders, and cultivating a good correspondence with the court of France, though without effect; for Philip of France could not be easy with the thoughts of Edward's growing greatness. He saw him daily strengthening himself by wise alliances; his reputation high on the continent; and Scotland sinking under his ambition. He considered Edward's submissions, and the punctuality with which he had hitherto fulfilled his duties, as a feodatory to the crown of France, only as the effects of refined policy to amuse the French, till he had more solidly established his greatness. A kind of a sea war at this time subsisted between the Norman subjects of France and the English, begun on a trifling occasion (1). The court of France encouraging the resentment of her subjects, matters came to such a height, that that the two people gave no quarter to one another; and an English ship being taken, the mariners were hanged on the main yard, in company with dogs. This incensed the English to such a degree, that the Cinque-ports fitted out a fleet of privateers, which cruised upon the French navigation; while Edward, whose head was entirely employed on the affairs of Scotland, thinking to stifle war for a time, sent the earl of Lincoln, as his ambassador, to make matters up at the court of France. While this nobleman was intent on his negociation, the English privateers sunk six French vessels in a Flemish

port; and a large fleet sailing from Gascony, laden with wine, was attacked on the coast of Brittany by sixty English ships of force, which were to attend Edward in his expedition to the Holy Land. Most of the French ships were driven on shore, and the rest were taken; the whole amounting to no fewer than one hundred and forty vessels, and the loss of the men above fifteen hundred. Animated by this success, the English fleet insulted Rochelle itself, and made several descents on the coasts of France, sometimes committing bloodshed, but always carrying off booty.

<sup>A. D. 1292.</sup>

The English destroy the French fleet,

and attack Rochelle.

The French court, upon this, sent ambassadors into England, demanding restitution of the prizes which had been made, and of their cargoes, and reparation for all other damages and insults committed by the English on the subjects of France; threatening, in case of refusal, to make reprisals on Edward's French territories, and to summon him to give an account for his conduct before the king and the peers of France. Edward, to gain time, sent the bishop of London to the French court, with his answer to this demand. This prelate's instructions were, to insist strenuously upon Edward's independent sovereignty in England, where he had a court, to which all aggrieved by his subjects might make their complaints; and that, if it was agreeable to the French court, he was ready to issue letters of safe conduct to all parties. But, if this expedient was denied, the bishop was instructed to propose a submission, signed by both kings, of their differences to arbitrators; and that, if any too difficult matter happened, it should be referred to a personal interview between themselves; or, if the court of France was averse to all those propositions, it was proposed, that the differences should be submitted to the college of cardinals, the see of Rome being then vacant. But this was treating the court of France with too great an appearance of independency, of which Edward, as a king, was extremely tender. Philip received all the propositions with the utmost disdain; nor could all the application of the earl of Cornwall, who repaired to the French court for that purpose, procure any other answer from Philip, than a prohibition of all commerce between the two nations, which was issued out by an assembly of the states in France. This was followed by a summons for the king of England to appear, and answer, at the court of France; with certification, that his French estates should be confiscated if he did not comply. Philip at the same time demanded, that the most guilty of the offenders in Gascony should be sent prisoners to Perigueux. Those proceedings determined Edward to provide for his own safety; he therefore sent over John de St. John, one of his best officers, to provide for the safety of Gascony; while Philip

Edward summoned to appear at the court of France.

"swear for it at the dreadful day of that universal judgment. Thou hast now given sentence on a king; but then shall judgment be given on thee!" Hollingshed, fol. 299.

(1) That a certain Norman mariner quarrelling with an Englishman, who should first take water at a spring on the coast of Normandy, the Norman being killed in the fray, the rest of the French mariners followed the Englishman to kill him, who, being defended by his comrades, repulsed the Normans. Tyrrel, vol. iii. p. 77.

dispatched



**A. D. 1293.** dispatched his constable, Raowlle de Nesle, to reduce it to his obedience; but the Frenchman found too much difficulty in that enterprise, and could that year make no progress.

Baliol crowned king of Scotland.

Such was the state of affairs on the continent in the year 1293. But it is now time to attend Edward's person. John Baliol was crowned king at Scone, on the 30th of November; and Edward was so jealous of his new-acquired sovereignty, that he appointed a deputy to officiate for the earl of Fife, who was under age, and whose office it was to crown the kings of Scotland. The ceremony being over, the new king was obliged to hurry back to Newcastle, where Edward was keeping his Christmas, and where, upon the 26th of December, he renewed his homage on the following terms:

Does homage to Edward.

"My lord, Edward king of England, and superior lord of the kingdom of Scotland, I, John king of Scotland, become your liegeman for the whole kingdom of Scotland, with its appurtenances; which kingdom I claim and hold, and ought of right to hold, for me and my heirs kings of Scotland, hereditary of you and your heirs kings of England, of life and limb, and terrene honour, against all men that may live and die."

This was an unusual form of homage, and much more express than that which had been till then paid by the kings of Scotland to those of England. But, to make it the more lasting, letters-patent were issued, which contained it, and were signed by the chief nobility of England, and by no fewer than twenty of the subjects of Scotland. But even this was not thought sufficient by Edward for rivetting his new-acquired superiority.

Edward's farther hardships upon the Scots.

A citizen of Berwic (a town then belonging to the crown of Scotland) appealed to Edward, from the proceedings of one of the judges which Edward had appointed. The appeal was favourably received, and the English judges were appointed to discuss it; with an injunction from the king, to do quick justice, according to the laws and customs of England. This alarmed the Scots. They saw all the horror of their impending fate. Distress united them, though virtue could not. They presented a petition, that Edward would call to mind his late promise (meaning the fourth preliminary of the treaty of marriage between prince Edward and the queen of Scots) "That the laws and customs of Scotland should remain entire, and that pleas of things done there might not be drawn out of it." This petition was signed by the archbishop of St. Andrew's, the earl of Buchan, Patric de Graham, Thomas Randolph, and other of the chief Scots. Brabanson, the chief justice of England, in answer, observed, That the petition was in itself impertinent, as insinuating a distrust of the king, who had performed all his promises; and that the cognizance of all complaints, relating to his judges, belonged to himself alone. He concluded, That his master did not think himself obliged to be bound by any temporary promises, made during the vacancy of

the Scottish throne, from transferring what causes he pleased out of the courts of Scotland into those of England. **A. D. 1293.**

Edward, in this last part of his declaration, seems to have gone too far. By the feudal law, matters of property, or all complaints in general, were to be discussed, in their first resort, within the courts of the feoffee. This was a principle which the dukes of Normandy had always vigorously contended for with the kings of France, and even the earls of Brittany with the dukes of Normandy. It is true, in some cases relating to the rights of infeoffments themselves, or matters of forfeiture, the direct lord, upon the application of the sub-vassal, often brought the cause into his own court. But we find Edward going much farther; for, in a protestation he made at that time, he made no exception of cases. He declared he thought himself no longer bound by former promises, or deeds; and that he would, when he saw proper, carry all manner of causes out of the Scotch into the English courts; nay, that he would, if he saw proper, bring the king of Scotland himself, in person, to answer in the courts of England. Though the Scots have exclaimed against what they think the superlative insolence of this last part of the protestation, yet it is by no means inconsistent with the power their nobility had already vested in Edward. The Scots, finding Edward thus determined, were obliged to give him a full acquittance and discharge of all his former promises. Thus the first part of Edward's declaration was established; and nothing now remained but to carry the latter in execution, by bringing the king of Scots, in person, to answer in the English courts.

An opportunity soon presented. The young earl of Fife brought a complaint before Edward, that he had injustice done him by John, who had dispossessed him of certain lands, in which he was invested by virtue of Edward's mandate to the late guardians. John was immediately summoned to appear before Edward in person, fifteen days after Michaelmas, 1293, at Westminster. Baliol had, by this time, fallen into the utmost contempt; but was not so much lost to all sense of shame, as not to shew some spirit on this occasion. He appeared indeed at the court, and took the seat of honour due formerly to the kings of Scotland in English courts; but had the mortification to be obliged to descend from it; when his own cause came to be heard, and to plead in person at the bar, as an ordinary party. Yet he had the courage to enter a kind of demurrer to the jurisdiction of the court; and declared, that, as he was king of Scotland, he durst not, without the advice of his subjects, answer the complaints of Macduff, or any thing that concerned that kingdom. This was a senseless and a frivolous plea, unless he had boldly renounced all the homage he had paid, as king of Scotland. Edward over-ruled it, and used all art to persuade Baliol to submit to the jurisdiction of the court for that time; but, in vain. Sentence, therefore, went against him for contempt; and Edward was ready to pronounce,

Obliges the king of Scots to appear in person before him,

and plead his own cause at the bar,



<sup>A.D. 1293.</sup> pronounce, that three of the principal castles in Scotland should be seized by him, as superior, till Baliol should give satisfaction. But the latter had not the courage to stand longer out; he formally renewed the profession of his homage; and, at his earnest request, Edward, with Macduff's consent, gave him a longer day, during which interval he might have an opportunity of consulting with the states of Scotland. It must be admitted there is something ambiguous in this submission; neither does it appear to have been entirely simple, or that Baliol retracted his former plea that he would not submit to answer in matters relating to Scotland in any court without that kingdom, without taking advice of his nobility, who, by this time, were beginning to recover their independent spirit.

and renew his homage.

For, upon John's repairing to England, they had chosen for themselves a regency of twelve, who were to manage all the affairs of the kingdom during his absence. Thus the despicable Baliol found himself in equal danger from the ambition of his superior, and the resentment of his subjects. He formed a short-lived resolution of acting as a king; he left the court of England without taking leave; upon which Edward seized all his English estate, the greatest, if I mistake not, of any subject then in England (1).

But while Edward, in the year 1293, was thus lording it over the Scots, he found his own pride shocked by the proceedings of the court of France against himself. At first he thought of gaining some advantage by the revolt of the earl of Hainault, and an insurrection within Roan against the crown of France; but these commotions being soon quelled, he applied himself to form strong alliances, for his support, in case he was reduced to make war. The bishop of Durham had, by large presents, brought over the king of the Romans to Edward's alliance. Henry earl of Bar having lately married one of Edward's daughters, the duke of Brabant another, and the duke of Brittany a third, all those princes entered heartily into Edward's views. He likewise engaged on his side the earl of Flanders, under promise of speedily bringing to an issue the treaty of marriage that had been lately entered upon, between prince Edward and that earl's daughter. But, in all those appearances of war, the thoughts of bringing about a peace were not neglected. Edward found it by no means convenient for him to break, at that juncture, with France; and his pacific inclinations were seconded by a strong party in that court, at which the queen's cousin and mother were at the head. It was owing to the management of those two ladies that, according to Trivet, in the beginning of the year 1294, the earl of Cornwall resumed his negotiations for peace. That prince, therefore, though he was on his return for England, as despairing of success, immediately returned. The con-

ferences being renewed, a kind of a convention was drawn up, which seems not much for Edward's honour; for, by way of satisfaction to the king of France, for the injuries and affronts offered him by Edward's officers, it was agreed, that six of Edward's strongest castles, viz. Xaintes, Taillemond, Tourn, Pomerell, Penne, Mount Flaunkon should be sequestered into the king of France's hands; and that the whole duchy of Gascony (except Bourdeaux, Bayonne, and la Role) should be governed by one of the king of France's officers till matters were adjusted between the two crowns. It was farther agreed, that Philip might chuse hostages, for the performance of the convention, out of Edward's French officers and ministers. Philip, on his side, agreed to recall his citation and sentence against Edward, at the parliament of Paris; and to grant him a safe conduct for a friendly interview at Amiens, for settling a definitive treaty. He likewise engaged to recall his troops and garrisons out of all the cautionary forts, at Edward's personal request; and proper hostages were to pass for that purpose. It appears that the king of France himself had no participation in this convention, which had been stipulated in his name by the two queens. The earl of Cornwall, therefore, was in no haste in making use of the powers transmitted to him by his brother for executing the convention, before it had been ratified by Philip himself in person; but this being formally obtained, in presence of the queen of Navarre and the duke of Burgundy, directions were immediately given for executing the convention. The troops of both powers were withdrawn out of one another's countries, and John de St. John, Edward's governor in Gascony, imagining every thing to have been finally adjusted, sold the stores he had provided for the defence of the places under his command, and returned to England.

But Philip, in the mean time, took advantage of the growing jealousy among the many powers in Europe of Edward's greatness. He privately sounded Baliol, and found him very ready to enter into any measures, so as to get rid of his miserable vassalage. He next, according to the French historians, entered into an alliance with Eric king of Norway, by which the latter was obliged to furnish two hundred large galleys, a hundred ships of war, well armed, provided, and victualled, with fifty thousand soldiers; all which forces were to act in concert with Philip for four months in the year, during the continuance of a war with England. It must be owned there is something ridiculous on the face of this treaty; and that it is unlikely so needy a prince as Eric was, should be able to furnish out armaments greater than any power, I believe, then in Europe could provide. If, therefore, we believe, with the French historians, that such a treaty exists in one of their chartularies, it probably was

<sup>A.D. 1293.</sup>  
A convention between Edward and France.

Philip king of France's treaty with the king of Norway;

(1) For, besides those ample possessions king John inherited from the Baliols his ancestors, he was also, as king of Scotland, invested and seized not only in the lands of Penrith, and others in the northern counties, amounting to the two hundred pound land granted by Henry III. to Alexander II. as an equivalent for his pretensions to Northumberland, Cumberland, &c. but also in the honour of Huntingdon, and lands of Tyndale. Abercromby, vol. i. p. 480.



A. D. 1294.

and other alliances.

Rymer.

Vol. ii. p. 622.

Nangius.

made by Eric only with a view to get some money from France; especially as we find that Philip engaged to pay him, at different times, thirty thousand pounds sterling; for the French historians themselves own that this treaty never was executed. He likewise formed an alliance with the duke of Austria, the rival to the king of the Romans, and brought the dauphin of Vienne, with some other princes, to his party. Having secured himself by those alliances, he began to entertain sentiments very different from those stipulated by the late convention. He was already in possession of all the strong-holds already mentioned; and there is no denying that there was something inexpressibly simple, on the part of Edward and his brother, throughout the whole of this negotiation. It can be accounted for in no other manner than by the extreme aversion which Edward had for entering upon any war before he had accomplished his designs on Scotland; for when Edward was daily expecting his safe conduct, Philip was securing the possession of the cautionary places. Edmund, according to his own relation, not suspecting the good faith of the king of France, applied to the two queens to intercede with Philip for the safe conduct, and that the cautionary places should be re-delivered. Philip, in answer to this demand, told Edmund in private, That he had reasons for returning a harsh answer to it before his council; but that they should be no sooner dismissed, than he should agree to his request. Edmund, therefore, making the demand in open council, met with a flat denial; nor was he roused out of the security of his reliance on Philip's private assurances, till the bishops of Orleans and Tournay, when the council was over, came and told him, in their master's name, That he was resolved to give no other answer than he had given already; and that all farther solicitations on that head would be in vain. This was followed by a fresh summons to Edward before the parliament of France, to answer to certain articles. Some opposition was made by Hugh de Vere and John de Lucy, ambassadors for Edward. They insisted on the authority of the convention, and that it was but reasonable that no sentence should pass for non-appearance before they had consulted with the earl of Cornwall; but all their plea being over-ruled, the duchy of Guienne was adjudged to be confiscated to the crown of France. We likewise learn that there was a secret convention, by which Edward was to marry Margaret, sister to the king of France, and the counterpart of this convention, under Philip's hand, has been published by Mr.

Rymer. It is refining excessively upon events to suppose, with a certain author, that Edward privately connived at the crown of France re-annexing his territories to itself; that, by retaking them forcibly, he might change his right of possessing from fealty to conquest, and then hold them independent of that crown. It is true, that, finding himself thus deceived by France, the council of England agreed, that the countries which had

been seized by treachery should be recovered by the sword; and John de St. John seems again to have passed over to Guienne, to command in the few places still left there to Edward. Soon after, Edward sent Hugh de Manchester and William de Gisburn, two friars, both men of some address and penetration, with a defiance to the French king, which runs thus:

A. D. 1294.

“ Our messengers shall speak to the king  
“ of France in the following terms:

“ Our lord the king of England, lord of King Ed-  
“ Ireland, and duke of Aquitain, performed ward's defi-  
“ homage to you conditionally, that is to ance to the  
“ say, according to the form of the peace king of  
“ concluded between your and his ancestors, France,  
“ which you have not kept.

“ And, on the other part, in order to ap-  
“ pease the heats and abuses which have  
“ fallen out between your subjects and his,  
“ you may well remember that his brother,  
“ the lord Edmund, concluded with you a  
“ secret treaty, in which there were certain  
“ stipulations, which have in no respect been  
“ fulfilled to him, although he has been  
“ obedient to you, even beyond the form of  
“ the said treaty.

“ Now, sir, as he has twice required you  
“ by the mouth of his foresaid brother, and  
“ the third time by certain peers of France  
“ and other great noblemen of your king-  
“ dom, that his lands of the duchy of Aqu-  
“ tain should be restored to him; and that  
“ his subjects, whom you hold in prison,  
“ should be freed; neither of which have  
“ been performed:

“ He therefore thinks, that you ought no  
“ longer to account him as your vassal, nei-  
“ ther does he intend to be so hereafter.”

The mean, sordid manner in which Philip had dealt with Edward, occasioned high resentments among the English subjects, and they resolved to support their sovereign to the utmost. An embargo was laid on all the shipping in England, and an order to the same effect was directed to the royal vassal of Scotland. This was a high strain of paramount power; but Baliol was so far from being in a condition to dispute it, that he was obliged to give up to Edward, on this occasion, three years rent of his great estate in England, towards the expences of the war. Edward next secured his allies; and, in particular, sent the negotiating bishop of Durham, and the archbishop of Dublin, with no less than sixty thousand merks (some say a hundred thousand pounds) to enable Adolph, king of the Romans, to take the field against France on that side. The archbishop of Cologne likewise entered into the party of Edward, as did great numbers of the petty princes on the continent.

An embargo through all Britain.

About the middle of June, writs were directed to all the great military tenants, to hold themselves and their followers in readiness to attend the king at Portsmouth by the 1st of September following, in his expedition to Gascony. An army of twenty thousand

Preparations for the French expedition.

foot,



A. D. 1294. foot, and five hundred horse, being thus got ready, the king found himself, all of a sudden, obliged to change his resolution of going over in person. He therefore appointed his nephew, the earl of Richmond, his general in chief; and John de St. John, with Robert Tiptoft, to serve under him: while he himself resolved to attend the motions of the disaffected, who began now sensibly to appear both in Wales and Scotland. As he was under some apprehension of an invasion from France, he ordered his fleet at the same time to rendezvous; then divided it into three squadrons, commanded by three admirals. John de Botecourt commanded the Yarmouth division, being those appointed to guard the north-east coast; William de Leyburn, the Portsmouth squadron, which was appointed for the channel service; and the guard of the western coast was committed to an Irish knight. We find Edward, at the same time, appointing a commission, consisting of his treasurer, the bishop of Bath and Wells, and his barons of Exchequer, with others, to receive fines and compositions from all ecclesiastics, both male and female; and from all women, and others, as they saw proper, to excuse them from attending the French expedition. He likewise sent twenty-two thousand pounds to the earl of Savoy, to raise his subjects, and those of the duchy of Burgundy, against the court of France. But contrary winds, and other accidents, obliged him to put off the expedition till Michaelmas following; and even then he was afraid of leaving his kingdom too naked. A large detachment, however, was sent under convoy of a fleet, which at first met with rough weather; but, about the middle of October, sailed up the Garonne as far as Bourdeaux, and reduced most of the places on that river; but, unable to take Bourdeaux, they were contented with leaving garrisons in their conquests, and to go into winter quarters, while their fleet returned home.

Edward's unpopular measures.

The prodigious expences of this expedition obliged Edward to have recourse to several expedients, equally unpopular and unconstitutional, for raising money. Toward the end of July, he ordered all the wool and tanned hides, which were ready for exportation, to be seized for his use; and tallies to be struck, which the proprietors were to accept of as money. He was likewise obliged to send his officers to raise a subsidy in Wales; though, by the bye, I cannot find that any parliamentary tax had been granted at that time. The Welsh, either stomaching this treatment, or unwilling to pay the supplies, hanged up one of the chief officers belonging to Edward in those parts, with several other collectors, and then took arms under one Maelgon Vauchan. They next plundered the counties of Cardigan and Pembroke; while their countrymen of Glamorganshire, and the southern parts, drove the earl of Gloucester out of his estate, of which they possessed themselves, as formerly belonging to their families. It was the appearance of those commotions which had de-

termined Edward to keep the main body of his army, under the earls of Cornwall and Lincoln, in England. Those two noblemen, by his orders, immediately drew together the troops, which lay along the sea coasts, and advanced towards North Wales, just at the time when one Madoc, related to the late Llewellyn, had cut in pieces a body of Englishmen at Caernarvon fair, which they plundered, and then retired with eighteen hundred men to Snowdon. It was far advanced in the season, being the 11th of November, before the English generals could march as far as Denbigh; and the difficulties of their situation encouraged the Welsh to unite, and try their fortune by a battle. The event was to them glorious; but all we know of the particulars is, that the English that day received an entire defeat.

The Welsh, under Madoc, defeat the English.

Edward was at this time in person in South Wales; and the earl of Warwick, one of his officers, had been fortunate enough to oblige the rebel Morgan, with seven hundred of his men, to submit himself to the royal mercy. Edward expected that the whole county of Cardigan would have followed this example; but being deceived, he burnt the abbey of Stratfleur, the abbot of which had deceived him in those expectations, with great part of the adjacent country. But the broken state of his affairs in North Wales obliged him to march thither. Having passed the river Conwy, he shut himself up in the castle; while the Welsh, getting between it and the river, cut off the communication between Edward and the main body of his army, which lay on the other side. The castle being but indifferently provided for a defence, it was besieged by the enemy; and Edward was reduced to such straits, that only one flagon of wine was found in all the garrison. Instead of appropriating this to his own use, he ordered it to be mixed with water, and distributed among his men; declaring, that every thing ought to be common in common calamity. But Edward's distress animating his soldiers to the desperate attempt of forcing their passage over the river, they happily succeeded: the enemy was driven from the siege; and the king, that year, passed his Christmas in quiet at Aberconwy.

Edward's difficulties in North Wales.

While Edward lay at Portsmouth, writes were directed for the meeting of a parliament on the 12th of November, for considering of ways and means to support the great expences of the crown. This being provided for by the laity, a like demand was made upon the clergy assembled in convocation. Edward, some time before this, by advice of his minister the bishop of Bath and Wells, had seized, and forcibly carried off, all the money which he found in religious houses, or churches, throughout England. This had put the clergy into a very bad temper; and the demand now made was no less than a moiety of all their goods, both ecclesiastical and temporal. But I cannot be persuaded that this demand was new upon the clergy at that time; for the writs of the convocation require them to meet on the 21st of September;

He summons a parliament.

The clergy obliged to give a moiety to the king.



A. D. 1294. tember; and that they then met, appears from the express words of Matthew of Westminster. I am farther inclined to believe, that it was at this time, and not when the parliament was sitting after Martinmas, that the force, so much complained of, was imposed upon the clergy; for, though the great prelates, after some difficulty, agreed to the demand, yet the inferior clergy stood out. At last, Edward sent some of his military officers into the room where they were assembled, and one Sir John de Havering addressed them in his master's name: "It is," said he, his majesty's pleasure that you "now grant him the half of your revenues;" and let him that dares to contradict this "come forth and shew himself, that he may "be known, and branded as an enemy of "his majesty's peace." That this, I say, happened before the sitting of the parliament after Martinmas, appears farther from the writs of collection of the said moieties, which are dated at Westminster the 30th of September, which is six weeks before the parliament sat. The monkish writers have attributed the ill-success of Edward's affairs, this year, to those hardships he imposed on the clergy; and it must be owned, that nothing but the extreme necessity of his affairs could justify the violence of his proceedings. We have little more to add to the civil transactions of this year, other than that part of the English army in France, acting as auxiliaries to the king of Arragon, recovered great part of his kingdom to his allegiance; and that fifty ships laden with wine, together with the city of Bayonne, fell into their hands.

But this partial success did not hinder the court of France from laying a scheme, which, if not happily disappointed, might have terminated in the subversion of English liberty. The Welsh we have already seen in arms; and the Scots, though quiet, because headed by a timid king, were uneasy under subjection. John, as we have hinted, had received many flagrant provocations from Edward, and the emissaries of France endeavoured to improve them to their own purposes. In this they were assisted by the bravest and most independent part of that nobility; and John, at the last, had the courage to enter into a secret treaty with France, on the following terms:

First, That Edward Baliol's son should marry the daughter of Charles of Valois, earl of Anjou, the king of France's brother.

Secondly, That the king of Scotland, in the present war, should assist the king of France against the king of England, and all his confederates, as well by sea as by land, against the emperor of Germany and others.

Thirdly, That he should, at his own charge, make war against the king of England, when he was employed in, or diverted by, war in other places.

Fourthly, That as well the earls, barons, prelates, and other noblemen, as far as of right they might; and also the communities of the kingdom of Scotland should, as soon as they could, send him their letters patents,

under their seals, of their consent to these things. A. D. 1295.

Fifthly, That, if the king of England invaded Scotland, the king of France was to make war upon him in other parts, by way of diversion; or, if required, to send forces into Scotland at his own charge, until they came there.

Sixthly, That, if the king of England went out of his kingdom, or sent many forces abroad, the commissioners promised that the king of Scotland should enter England with his whole power, as far as he could, making war in the field, besieging towns, wasting the countries, and by all possible ways destroying England.

Seventhly, That they should not make peace on either side, without the consent of the other.

It is probable that Edward knew of those engagements some time before he discovered his resentment; for, in the parliament at St. Edmundsbury, which was held in November, 1295, Macduff strenuously insisted upon his plea against Baliol. The latter appeared only by the abbot of Aberbrothwick, who talked in a language very different from that of subjection and homage. After a slight excuse why Baliol did not attend in person, he demanded satisfaction for injuries committed by the English upon the Scots. Edward's affairs at that time would not suffer him to vent all the indignation he conceived at this language. He answered the abbot and the other commissioners, That if the subjects of Scotland were aggrieved, he was ready to hear their king's complaints; that he was to undertake a progress in person, and would hold a parliament for that and other matters at Newcastle upon Tyne, where he might have justice. With this answer the Scotch commissioners were dismissed; but they were followed by two ministers from Edward, the abbot of Newminster and Wallebeg, who were in person to intimate the adjournment of the parliament, and to make a formal demand that the castles of Berwic, Roxburgh, and Jedburgh should be delivered to Edward, by way of security, during the continuance of the war with France; but to be restored as soon as that was over. The Scots, wisely foreseeing that they had now no safety but in sticking to their engagements with France on this occasion, acted a very singular part. Despising, hating, and fearing Baliol, they suspended the exercise of his government in his own person; they chose twelve guardians of the kingdom; they called a parliament; they formed a seal for the community of Scotland; and, that nothing might be wanting to the validity of their proceedings, they brought even Baliol himself to consent to all this, and to the ratifying their late engagements with France. But it is now time to return to the more southern parts of Britain.

Edward, in the beginning of the year 1295, was so eager in prosecuting the Welsh war, that he gave the enemy an opportunity of seizing all his provisions, which reduced him even to the want of common necessities; and,

A league between the king of France and John king of Scots.

Brady, Tyrrel, Wallingham.

Macduff, earl of Fife, renews his plea against John king of Scots.

Precautions of the Scots.

Frynne.



A. D. 1295. and, had he not been timely supported by his troops, his person must have fallen into their hands. This happened in Snowdon; but, in another part of their country, the earl of Warwick attacked the Welsh, and, after giving them a bloody defeat, Edward found no enemy to resist him, and marched through the heart of their country to Anglesey, which he once more reduced to his obedience; and, to bridle it, he built the strong castle of Beaumaris. Edward next did severe justice on those who had murdered or insulted his officers; and, having cut roads through woods, and placed garrisons along the sea coasts, he returned to England.

The war, however, did not go on so successfully in the southern parts of Wales. The rebel Madoc reduced Oswaldstrie, and gave the lords marchers several overthrows. At last, he was defeated on his march to Shrewsbury, and submitted to Edward, who pardoned him on condition that he would take prisoner Morgan, the remaining head of the Welsh rebels. This he soon did, and Morgan was beheaded at London. Edward then took no less than five hundred of the sons of their nobility, and imprisoned them, as hostages, throughout several castles in England: and thus this dangerous war seemed, for some time, to be utterly extinguished.

Morgan, the Welsh rebel, beheaded at London.

Tuberville's treachery,

But the court of France seem now determined to carry her sword into the bowels of England. One Tuberville, a knight of some consequence, while prisoner with the French, had been debauched into their party. He pretended he had interest enough, upon his release, to procure the wardenship of one of the Cinque-ports, which he engaged to betray to France. Edward was at that time sending over a reinforcement of troops, under the command of his brother the earl of Cornwall, to his army on the continent. This, together with Tuberville's promises, determined France to invade England. They got together a large fleet of four hundred ships, and put to sea, with a resolution of landing either in the Cinque-port, which should be put into their hands by Tuberville; or, if disappointed in that, in some other part of England. But Tuberville had miscarried in his treason; for Edward refused to trust him with what he asked. Being obliged to make use of a priest as an amanuensis in his correspondence with France, the priest betrayed him to Edward; and he was tried, condemned, hanged, and quartered. The French, notwithstanding this disappointment, landed near Dover, where they did some damage to that town, and the adjacent places. But the militia of the country quickly took the alarm, and supported the townsmen so well, that the French, after a considerable loss both of men and honour, were forced to retreat to their ships. A foreign author tells us, that this miscarriage was, in a great measure, owing to the jealousies which prevailed among the French admirals and generals. Whatever may be in that, it is certain, it was not long before the English were revenged for this insult. The inhabitants of Yarmouth put to sea, and burnt

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down the town of Cherburgh in Normandy; while those of the other Cinque-ports ravaged all the coasts within twenty miles of Dieppe, and returning to their ships, they carried twenty Spanish ships, laden with wine, and bound for Damme in Flanders, as prizes into Sandwich.

A. D. 1296.

Various successes of the war in France.

While the war by sea was thus carrying on, with various success, a mutiny happened among the English soldiers, who were quartered under the duke of Brittany, and lord John Tiptoft, along the Garonne. Upon this, count Charles, brother to the king of France, and the constable de Nesle, entered Gascony, and retook Ryons, one of the late English conquests, with great part of the garrison. On the other hand, the French lost a number of men before St. Severe, which was defended by its governor, Hugh de Vere, who, after sustaining a vigorous siege of nine weeks, was obliged to give it up on an honourable capitulation. But some amends was made for this loss, by the success of Sir John St. John, who, about this time, cut in pieces about seventeen hundred French.

All the mighty projects of pursuing the holy war seemed now to be swallowed up in the interests of the several princes concerned. The pope strove to revive them, but in vain. The cardinals he sent to negotiate between Edward and Philip were roughly treated by the latter, who had the spirit to tell them, That their master (the pope) had no authority with regard to matters of war and peace within French dominions. Yet this did not discourage them from applying to Edward, whose minister, the bishop of Durham, received them with great regard. But they could not prevail with the English court to accept of any proposals, without the concurrence of the king of the Romans. The courts of France and England, however, equally desirous of respite for some time, appear, by a bull from pope Boniface, to have entered into a truce, which was but very ill observed.

A truce with France.

The Scots, in the mean while, had prevailed upon the court of Rome, which was not a little piqued at Edward's conduct, to absolve them from their fealty to that prince. This was followed by the banishment of all Englishmen, not even excepting ecclesiastics, out of that kingdom; and a confiscation of all their goods, for the purposes of the fore-said war. Edward heard of those proceedings with that moderation which had ever attended him when his affairs required it. He repeated his demands of assistance from that kingdom, and of having the cautionary castles put into his possession; but meeting with a fresh denial, he advanced to hold his parliament at Newcastle, on the 1st of March, 1296, to which time and place it had been adjourned. While he continued here, the summonses were repeated for Baliol's appearance; and a thousand English, sent to relieve Werk (which was in danger of being betrayed by a knight, enamoured of a Scottish lady) were cut in pieces by the Scots. The knight's name was Ros, and his treason was discovered by his brother. But Edward,

The Scots obtain from the pope a dispensation of their fealty to king Edward.

and death.

Nangius.



A. D. 1296. ward, to retrieve his late loss, set out in person for the castle of Werk. It was probably about this time that he received from Baliol the following letter, hostilities being now declared on both sides :

To the magnificent prince, Edward, by the grace of God, king of England, John, by the same grace, king of Scotland.

Baliol's renunciation of his homage to king Edward.

" Whereas you, and others of your kingdom, you not being ignorant, or having cause of ignorance, by your violent power, have notoriously and frequently done grievous and intolerable injuries, contempts, grievances, and strange damages against us, the liberties of our kingdom, and against God and justice; citing us, at your pleasure, upon every slight suggestion, out of our kingdom; unduly vexing us, seizing our castles, lands, and possessions in your kingdom; unjustly, and for no fault of ours, taking the goods of our subjects, as well by sea as land, and carrying them into your kingdom; killing our merchants, and others of our kingdom; carrying away our subjects, and imprisoning them. For the reformation of which things, we sent our messengers to you, which remain not only unredressed, but there is every day an addition of worse things to them; for now you are come with a great army upon the borders, for the disinheriting us, and the inhabitants of our kingdom; and, proceeding, have inhumanly committed slaughter, burnings, and violent invasions, as well by sea as land. We not being able to sustain the said injuries, grievances, and damages any longer, nor to remain in your fealty or homage, extorted by your violent oppression, we restore them to you, for ourselves, and all the inhabitants of our kingdom, as well for the lands we hold of you in your kingdom, as for your pretended government over us."

This letter gave the Bruce family, and several other in the English interest, encouragement to endeavour to make up matters with

Edward. Bruce the competitor had died the year before, and was succeeded by his son, the earl of Carrick, an intimate favourite with Edward, and one who had attended him in his expedition to the Holy Land. This nobleman had a son, afterwards the great Bruce, who was at this time only thirteen years of age. It is no wonder if, in so tender years, this unfledged hero was overruled, by the authority of his father, to join with him and several of the recreant nobility in renewing a homage, which even the little soul of Baliol now seemed to disdain. This happened at Werk: but Edward had soon reason for believing that theirs were not the sentiments of the nation. The highland Scots had, to the number of five thousand men, passed into Cumberland, where they committed great disorders, and endeavoured to take Carlisle. To assist them, one of their spies set fire to the city (1); but the flames being extinguished, the defence made by the inhabitants was so vigorous, that they were forced to raise the siege with loss.

A. D. 1296.

Dalrymple.

Bruce renews his homage to king Edward.

A truce now subsisting with France, Edward had leisure to turn all the prodigious armaments, he had made for his other wars, upon Scotland. He first advanced, at the head of a great army, to Berwic, which he took by storm (2), and put to the sword no fewer, according to some authors, than sixteen thousand, but according to others, nine thousand, Scots. He then annexed the town to the realm of England; and, after making some additional fortifications to it, he sent part of his army to besiege the castle of Dunbar. The earl of this place had submitted to Edward; but his lady, with more masculine courage, preferred her duty to her country to the example of her husband, and had put the place into the hands of the opposing Scots. This siege proved a matter of great difficulty, and the Scots resolved to hazard every thing to raise it. A large party of them had renewed their incursions into England, where they laid waste great part of Northumberland, and the bishopric of Durham; and, after carrying off vast booty, returned to their own country time enough for strengthening the army which Baliol had

Berwic taken by king Edward.

(1) The earls of Monteith, Athol, Strathern, and Mar, gathered an army of five hundred horse, and four thousand foot, and marched out of Annandale over the river Salwarth; and, entering Cumberland, destroyed the whole country from Artereth to Carlisle. They burnt the suburbs of that city, and made a vigorous effort upon the town itself; which, while they assaulted from without, one of their spies, that had been taken and imprisoned within, found means to break his chains, and to set the prison on fire; nay, he came to the walls of the town, and cried to the Scots, That, did they pursue their advantages with vigour, they could not fail of success. Upon this, the hurry and consternation of the besieged was incredible: they ran tumultuously through the streets, some to the ports, but more to the fire, and cried aloud, "The town is taken!" Yet it was not taken; for what reason, authors do not tell: they say, in general, that the women contributed chiefly to its deliverance, by throwing stones and scalding water upon the assailants; that the spy was seized and hanged; and that the fire being extinguished, all the inhabitants together made a sally, and beat off the enemy, who, probably, being either wearied with fatigue, or laden with spoil, or apprehensive of being hemmed in by detachments from the grand army, thought fit to retreat. Abercromby, fol. 490, 491.

(2) By stratagem, say the Scots; the manner thus: King Edward, being once and again repulsed by the numerous garrison (for the whole strength and flower of Lothian and Fife had been sent thither before) drew off his army, as if he had meant to raise the siege; and having provided such banners and ensigns as several of the Scotch nobility then used, and having appointed all his soldiers to wear (as the Scots were wont to do) a cross of St. Andrew above their harness, he returned on a sudden, and sent before him those of the Brusian faction, who told their countrymen within the town, That king John was at hand, upon the head of a brave army, in order to effect their relief. The lye was credited, and every one made haste to go out and meet their sovereign: but they had not gone far, when a detachment of horse from the English army, that had made a compass about, seized on one of the ports of the town, and intercepted their retreat; while, at the same time, they were first saluted with a shower of arrows from the grand army, and then miserably trod down by the horse. The foot, where king Edward was in person, followed close; and, having entered the town, put all within to the sword, men, women, and children; insomuch, that some English writers say fifteen thousand (others, nine thousand) Scots were on that day (the 30th of March) sacrificed to the resentment of their angry king. And Boethius tells us, that there was such an effusion of blood, as being joined with the low water in the mouth of the river Tweed (for the tide was out at the time) set some mills a-going, the water alone could not have moved. How true this is, I don't enquire; 'tis certain that the slaughter was incredibly great, and that not one of the Scotch nation was spared. Abercromby, *ibid*.



A. D. 1296. got together for the relief of the castle of Dunbar. The earls of Surrey and Warwick were then pressing that siege, and perceiving the Scots were approaching to attack them, they resolved to march out to meet them. A bloody battle was fought, in which the Scots were again worsted, with the loss of at least ten thousand men; and then the castle was surrendered, before Edward, who had by this time left Berwic on his march northward, could come up time enough to share in the glory.

The Scots defeated,

and the castle of Dunbar surrendered;

and those of Roxburgh,

Edinburgh,

and Stirling.

The loss of this castle, in which some prisoners of distinction were taken, was attended by that of Roxburgh. It was delivered up by the steward of Scotland, who made his submission to Edward's paramount power, and obtained safe, though not honourable, terms. By those conquests Edward found nothing, to the south of the Forth, able to withstand him. The castle of Edinburgh, with the advantage of a then impregnable situation, fell into his hands, through the sudden drying up of the springs which supplied the garrison with water; and the castle of Stirling had soon the same fate. The unhappy Baliol, not chusing to finish life with liberty, now threw himself upon the conqueror's mercy. He had, for some time, retired with his party to the north of the Tay; but being pursued into Angus, he applied to the bishop of Durham for pardon from Edward, who, by this time, had taken possession of the castle of Brechin. The king and the priest soon agreed upon the manner and terms of the submission; and Baliol, divested of regal distinctions, came, mounted on a sorry nag, with a white rod in his hand, to a place called Strickathroe, within a few miles of Brechin, where Edward received him with the utmost contempt. His submission was mean and abject; it was performed in the open churchyard of the place, and by word of mouth.

Baliol's submission to king Edward, and renunciation of his league with France.

“He acknowledged himself heartily sorry for the unlawful confederacies he had made with Philip king of France, against the king of England. He also renounced all such confederacies and unlawful contracts, made in the name of himself, his son Edward, and the inhabitants of Scotland, against his due homage and fealty he had done to the king of England.”

An instrument was immediately drawn up, containing the terms and manner of this submission, and it was signed by the bishops of Durham and Hereford, the earl of Buchan, Hugh D'Espencer, and Cumin of Badenoch. But this humiliation, mean as it was, was not full and public enough to satisfy Edward. Baliol was conducted to the castle of Brechin, where he not only repeated his submission in stronger terms, but resigned into the hands of the conqueror his person, his dignity, his kingdom, and all his private estates, of whatever denomination, as appears by several public instruments still extant, and particularly the following:

John, by the grace of God, king of Scotland, to all that shall hear or see these present letters, greeting:

A. D. 1296.

“Whereas we, by evil and false counsel, and our own simplicity, having greatly provoked our lord Edward, by the grace of God, king of England, &c. to wit, for that being on his faith and homage, we have allied ourselves to the king of France, who then was, and is now, his enemy; offering a marriage between our son and the daughter of his brother the lord Charles, and assisting him, by war and otherwise, with all our power. And furthermore, by our evil counsel aforesaid, we defied our lord the king of England, and put ourself out of his faith and homage, and sent our people into England, to burn, spoil, plunder, kill, and commit other mischiefs; fortifying the kingdom of Scotland, that is, his fee, or feignory, against him, putting garrisons in the towns, castles, and other places; for which transgressions, our lord the king of England having entered Scotland by force, conquered, and took it, notwithstanding all we could do against him, as of right he might, as lord of the fee, seeing, after we had done homage to him, we rebelled against him; we being therefore yet free, and in our own power, do hereby surrender unto him the land of Scotland, and the whole nation, with all its homages. In witness whereof, we have caused to be made these our letters patents. Dated at Brechin, the 10th day of July, in the fourth year of our reign.”

His charter of submission and resignation.

The great seal of Scotland, which had confirmed this charter, was now broken, as no longer of use; and all writs were, after that time, to be issued under English seals. Edward then took a progress through his newly-acquired territory. From Kincardin he went to Aberdeen, and from thence along the coast to Elgin, in Murray, which seems to have been the boundary of his progress. He was preceded all the way in his march by a body of light horse, under the bishop of Durham; and, after finding every thing quiet in those parts, he returned by another road to Scone, the place of enthroning the kings of Scotland. Well knowing that superstition, in the minds of the vulgar, often supplies what reason and honour ought to effect, he ordered the fatal stone, so celebrated in their histories, to be carried from thence. This hallowed relic of dark antiquity was adored by the vulgar, as the palladium of their government, and its loss struck them with incredible dejection of spirit. With it he likewise removed all the other memorials, either of jewels or papers, the sight of which might awaken them to the remembrance of their former independency; and Edward is exclaimed against, for destroying or carrying off, with barbarous policy, their most valuable records. Though this charge is, I think, groundless, so far, at least, as that

Edward orders the marble stone to be carried from Scone, which is still in Westminster abbey;

and all the ancient records of Scotland.



A. D. 1296. that it deprived them of the evidences of their independency; yet the memory of Edward has been but lamely defended from it by English historians, and I shall consider it in a separate dissertation. It is sufficient to observe here, that, however harsh this conduct was, it certainly was wise, and ought not to have encouraged the invectives thrown out by the epidemical vanity of the ignorant or interested writers of that nation. Edward had too many black effects of ambition to answer for, which were real; let not, therefore, his memory be loaded with any that are chimerical.

But all those successes were not without some alloy, if we are to believe the Scotch authors; for they tell us, that Edward's fleet was, some time before this, defeated by their countrymen; that eighteen English ships were sunk, and the rest obliged to retire. This, if true, might have been one reason for Edward's severity to Baliol and the chief of his party, who, notwithstanding the meanness of their submission, he sent both the king and his followers prisoners into England, with orders that none of them, upon pain of death, should stir by north the Trent. Bruce seeing his antagonist thus utterly crushed, thought now he had a fair opportunity of renewing his claims to the crown. Both his and his father's conduct had been artful. It does not appear that they ever had acknowledged Baliol as king; and they had made an early submission to Edward, after the breach between him and Baliol. The Bruces now made a merit of this with Edward; and it undoubtedly was owing to their conduct that Edward had been so easily and so completely successful. But when Bruce asked the crown, as the reward of his conduct, "What, replied Edward, in French, dost thou think that I have nothing else to do but to conquer kingdoms for thee?" So cutting and scoffing an answer awakened in the younger Bruce a quick sense of his condition, and that of his unhappy country; but both he and his father were obliged to dissemble, and partial resentments prevented their joining with the few which yet remained firm to Baliol, which might still have given one struggle more.

Edward sends the Scots prisoners to England. In the month of August, Edward having, as he thought, rivetted the chains of the Scots, ordered all their nobility and freeholders, who were not prisoners in England, to attend him at Berwic. The meeting was full and frequent, and the submission the most particular and numerous that perhaps ever was known on any occasion. Not only the nobility, but every individual freeholder, performed it; and it ran in the following terms:

To all those that shall see or hear these letters, we [such and such there named] send greeting.

"For that we agree to the faith and will of the most noble prince, our dear lord, Edward, by the grace of God, king of England, lord of Ireland, and duke of Aquitaine; we promise, for us and our heirs, upon the pain of body and estate, and whatsoever else we can incur, that we will assist and serve him well and loyally against all persons that may live and die, at all times when required or summoned by our lord the king of England, or his heirs. And we shall not know of any damage done to him or them, but we will hinder it to the utmost of our power, and will discover it to them. And for the performance of this, we bind us and our heirs, and all our goods; and further, have sworn upon the holy gospels. In witness whereof, we have caused these letters patents to be made, and sealed with our seals. Given at Berwic upon Tweed, the 28th day of August, in the twenty-fourth year of the reign of our lord the king of England (1)."

Edward then appointed John de Warren, earl of Surrey and Suffex, his governor over all Scotland; Hugh de Craffingham treasurer, and William Ormesby chief justiciary there. He then dismissed the Welsh and Irish, who, according to their several summonses, had attended him in the expedition; and applied himself to the civil cares of government in England. While he remained at Berwic, writs had been issued, dated the 26th of August, for a meeting of the parliament at St. Edmundsbury for the 3d of November. The business of this meeting was expressed in the writs to the lay nobility and sheriffs, to deliberate on the state of the nation, and to provide a remedy against its impending dangers; but the writs directed to the archbishop of Canterbury, and the other ecclesiastical nobility, make a round demand of a farther subsidy from them, in case the war should continue with France. The parliament being met, a supply of an eighth part of their goods was granted by the citizens and burghesses, and of a twelfth by the rest of the laity. But Edward had to do with an archbishop of Canterbury of a deeper spirit than any who had, for some time, filled that see. This prelate had applied to the see of Rome, and, under pretence that the church already had been much impoverished, obtained a bull from pope Boniface, dated at Rome the 24th of February, 1296; by which that pope forbade all prelates and ecclesiastics,

(1) The reader may please to observe, that though these things were then drawn up by Andrew, the public notary there present, who also attested what was then done, and which were also entered among the records of this year; yet were not these delivered to the keeper of the king's rolls until the 34th year of his reign; as it is entered at the end of the same roll, p. 25. And the like instruments of homage and fealty still remain with the chamberlain of the Exchequer, in the third treasury at Westminster, with other things and instruments, in small boxes, put up in great wooden chests: all which deserves our particular notice, since they do not only prove as monuments of the entire conquest and submission of the Scottish king and kingdom at that time; but also shew the partiality of all the Scottish historians, who, I suppose, to conceal the perjury of their nobility and gentry, pass by all these grand transactions without taking the least notice of them. Tyr. v. iii. f. 97, 98.



A. D. 1297. as well religious as secular, to grant, as also all emperors, kings, princes, and other temporal lords, to take, any taxes, or other payments, from any of the clergy, without the consent of the papal see. Edward did not find himself in a condition, at this time, to press a compliance with his demand; but, upon the archbishop's publishing the bull, and enjoining his clergy to obey it, he ordered all the barns, granaries, and storehouses of the clergy to be shut up, and the parliament to meet on the 14th of January ensuing.

The English  
unsuccessful  
in France.

It must be acknowledged that Edward's resentment against the Scots had hurried him too far, and had distressed his affairs in other parts of the wars. For though the earls of Cornwall and Lincoln had landed on the coast of Brittany, and burnt the town of St. Matthew, after destroying or taking a great many French ships, and, after that, had taken Blois, with the town and castle of Spere; yet the event of this year's transactions in France was disadvantageous to the English. For when their generals made their approaches to Bourdeaux, they were surprized by the French garrison of that city; and though they repulsed the enemy, yet they were so ill supported from England, that they could not take the places. The earl of Cornwall's death, which happened at the same time, occasioned through fatigue and vexation, was a severe blow upon the English interest there; but he was succeeded in the chief command by the earl of Lincoln, who, after putting the English garrisons in the best state of defence he could, undertook the siege of Aux, which he was soon forced to abandon; as were the French the siege of Brugh, through the valour of Sir Simon Montacute, who threw in a supply to the besieged from the town of Blois, and that through the middle of the French fleet. But that success was counterbalanced by the loss of several towns in Gascony, which, about the same time, fell into the hands of the earl of Artois, the French general.

Princess Elizabeth  
married  
to the earl of  
Holland.

The clergy  
refuse assistance  
to the  
king.

When Edward was preparing to open the parliament, in the beginning of the year 1297, the marriage between his daughter Elizabeth and the son and heir to the earl of Holland took place; and the young lady was sent over to the court of her father-in-law, under the care of the earl of Hereford, who was afterwards her husband. But, when the parliament was sitting, Edward found the clergy still refractory, and their example influenced the laity. The archbishop insisted upon the obedience of his clergy to the pope; and the king, not chusing, as yet, to push things to extremity, was contented with encreasing, by his prerogative, the custom upon wool, from half a merk to forty shillings upon every flock exported. It appears as if the convocation of the clergy had been sitting when the parliament broke up; for we are told, that, after their refusal to grant any aid in parliament, the archbishop of Canterbury, in convocation, proposed to apply to the pope for leave to grant a supply to the king. This being intimated to Edward, who

was then in Norfolk, appeared to him a far more dangerous precedent than the refusal itself had been. In short, he was so far provoked, that he publicly declared, That, as the clergy had broke their tenures, by denying him the assistance they were bound to pay, therefore he would no longer protect them. Orders were therefore given, to put all the clergy, of what denomination soever, out of the king's protection; and writs were likewise issued out to all the sheriffs of England, dated at Ely the 12th of February this year, by which he commands, "That all the lay fees of the clergy, as well secular as regular, together with their goods and chattels, should be seized into his hands by the sheriffs, until they should receive farther orders from him." In consequence of those declarations and writs, Sir John Mettingham, lord chief justice of the Common-pleas, publicly explained what was meant by the clergy's being put out of the king's protection: for, addressing himself to the attornies and solicitors for the prelates and clergy, he desired them to acquaint their principals, that, for the future, no justice should be done them in the king's court, for any manner of injury they should receive; yet, nevertheless, that justice should be done to all persons who should demand it, and make complaint against the clergy. This severity had so good an effect, that the bishops of Norwich, Lincoln, Worcester, Ely, Durham, and Carlisle, together with the archbishop of York, submitted to pay the fifth part of their benefices for the defence of the kingdom against foreign enemies. Upon this they had protections granted them, under Edward's privy seal and the great seal, which were to be in force till the feast of All-saints following. The example of those prelates was followed by great numbers of the inferior clergy, who had all of them not only like writs of protection, but of restitution. Edward, at the same time, to mitigate somewhat of his severity, appointed commissioners throughout all England, with powers to cite before them the clergy of all denominations, and to receive from them compositions for their estates, provided they compounded before Easter following. The same commissioners had power likewise to take recognizances of such parties as were unable to make immediate payment. Those proceedings embittered the minds of many against the government, and their rancour was heightened by the severity used towards the non-compounding and non-complying clergy. Even the archbishop of Canterbury's horses were seized by Edward's officers, as he was coming to court to intercede for his brethren. Edward looked upon him as the spring of all the opposition he had met with; and was so far from paying any regard to his intercession, that he stripped him of all his furniture, plate, and moveables; reduced him to want even the common necessities of life; and at last, attended only by two domestics, to board himself with a parish priest.

A. D. 1297.

who puts  
them out of  
his protection,

and distresses  
the archbishop  
of Canter-  
bury.

But the situation of Edward's affairs on the continent had reduced him to this im-  
politic,



A. D. 1297. politic, and, in some measure, desperate, conduct. We have already seen that a match had been proposed, between a daughter of Guy earl of Flanders and prince Edward of England. This design gave the court of France the utmost uneasiness; and Philip was mean enough to decoy the earl of Flanders, his countess, and the young lady to Paris, where he put all under arrest. It was a long while before the earl and his countess got their liberty; but the young lady was detained, to prevent her marriage. This treatment exasperated both Edward and Guy so much, that they determined to draw the bonds of mutual amity more close than ever. For this purpose a new league was entered into, between Edward and the earl of Flanders, against the king of France, his heirs, and confederates. By this league, both the contracting parties shall not make peace, or lay down their arms, without consent of the other. Edward likewise, on his part, engages to pay to the earl of Flanders fifteen thousand pounds yearly, by way of subsidy for carrying on the war. And lastly, both princes engage that neither of them will sue for, or purchase any dispensation from the pope, by which the ends of the said alliance should be defeated; and, if any such dispensation were issued, that they should mutually look upon it as of no force. But, besides this great league, which was ratified in form, Edward agreed to a separate article, by which he engaged to pay to the earl of Flanders no less than seventy-five thousand pounds, at three several payments; and that his son Edward should marry either the eldest princess of Flanders, or if, in case of death, or other let, he could not do that, he was to marry the second daughter Isabella. All those engagements were ratified in the most solemn manner, by the oaths of Hugh d'Espenser, Walter Beauchamp, with the bishops of Durham and Chester, on the king's part; and the treaty of alliance is dated, at Ipswich, on the 7th of January, this year; and that of the marriage was ratified at Walsingham, on Candlemas-day, to which place Edward had retired, under a shew of devotion.

When those engagements came to be made public, the world was no longer at a loss to account for the king's severe exactions. That they were extremely disagreeable to the generality of the kingdom, will soon appear; for, finding the aversion of the people to his measures daily encrease, and that his supplies were but ill proportioned to his necessities, he seized all the wool and hides in England which were ready for exportation, and paid the owners in tallies. He likewise assessed each county in two thousand quarters of wheat, and as many of oats, with a proportionable quantity of salted meats, for the use of the army and navy he was to send over to the assistance of the earl of Flanders. He next ordered a great council to be held at Salisbury, on the 25th of February; but without summoning either the clergy or the commons to attend.

When this council met, Edward declared to them the engagements he had entered into,

and his intention of supporting the earl of Flanders with a great army. He dropped some expressions, as if he himself had intended to pass the sea in person; but the assembly soon found out, that this was but a feint to engage their consents. The earls of Norfolk and Hereford, the first marshal, and the latter then constable, of England, opposed the proposition of a war upon the continent with some warmth; especially after finding that they were not to be employed in Gascony, but in Flanders. The reasons they gave for declining the service were as follow:

First, Because it seems to the whole community, that the notice given by the king's writs for this expedition was not sufficient, since they do not assign any place whither they were to go, so as they might know how to make due provision for this voyage.

Secondly, Because it is commonly reported, that the king designed to pass over into Flanders; and, if so, it seems to the whole community that they owe no service to that country, because neither they themselves, nor their ancestors, or predecessors ever performed any military service there.

It must, to speak candidly, be owned, that those exceptions were in themselves little better than quibbles, since the condition of feudal tenures knew no exception of places where military service was due, provided the king went in person. Edward seems to have been much provoked with their behaviour. He stuck to the height of his prerogative; he told the dissenting lords, that if they refused to go, he would give their lands to those who would. The two earls, marshal and constable, then insisted upon the nature of their services to which they were bound; and the former observed, that, by his office, he was obliged only to attend the person of the king in the front of the army. Edward then no longer dissimbled that he did not mean to go in person to France, but to Flanders. He told the marshal, that he would force him to go with others. The earl, upon this, replied with some quickness, "I am not obliged to it, neither, sir, will I go over without you." "By God, sir earl, replied Edward, in a violent passion, you shall either go, or hang." "By the same oath, sir king, rejoins the earl, I neither will go, nor will I hang." So unbecoming a behaviour on both parts quickly put an end to that day's session. The chronicle of Norwich mentions other reasons given in by those two great earls, in behalf of the community of England, such as the great taxes, and the illegal exactions they paid; but those I apprehend could not properly be urged in this assembly, which was held not for supply, but service; or, if they were, we shall find them repeated afterwards.

Edward had seen, in his tender years, too many fatal effects of dissention between the barons and the crown, to carry this matter with that high hand, to which perhaps his own resentment prompted him, and which had been to his father and grandfather so pernicious. He perceived that the exactions

The earl of Flanders detained prisoner at Paris.

A mutual league between king Edward and him.

The earls marshal and constable refuse to attend the king to Flanders,

and their reasons.

The marshal and constable insist on their privileges.

The king summons a great council at Salisbury.



A. D. 1297. he had been obliged to make were odious to the people, and that they approved of the conduct of the earls. They, on the other hand, were hardy enough to form their faction into a kind of an association. The place of their meeting was the forest of Wyre, on the Welsh marches; there they determined to oppose the exactions of wool, leather, and provisions, notwithstanding all the penalties upon non-compliance; and Edward was wise enough to stifle his resentments, till he was more in a condition to make them felt.

For the state of his affairs upon the continent, and the alliances he had formed, were now such, that he must either immediately fulfil his engagements, or for ever forfeit his credit there. This made him relent so far, as to hold a conference with the archbishop of Canterbury while he remained at Salisbury. It seems that, after the secession of the earls, the meeting of the nobility who were in Edward's interest continued; and they had come to a resolution, that, if the clergy did not make up matters with the king before Easter following, they should lose all that the king had already seized, and be cut off from all common intercourse with the rest of the nation. The news of this had alarmed the archbishop so much, that, after taking the due precautions for the safety of ecclesiastical liberty, he ordered a convocation to be held on Midlent-sunday, and then came to Salisbury, where he found Edward at mass in the cathedral. In the conferences which ensued, the king stood very firm to his rights, and treated the prelate with much affability; yet all the latter could gain was, a promise that Edward would remit somewhat of his rigour towards the clergy, and that he would send deputies to the convocation, who should assist in the deliberations there about effecting a reconciliation. But all was to no purpose; for, when that assembly met, the archbishop and his faction insisted still so strenuously against granting any aid without the pope's permission, that Edward's deputies could gain nothing. Upon this, Hugh d'Espencer, by the king's order, served them with a copy of the following prohibition:

Edward, by the grace of God, king of England, &c. to the honourable fathers in God, the archbishops, bishops, and other prelates; and to all those of the clergy, who, at Midlent next coming, are to meet at London, greeting.

The king's prohibition to them.

" We forbid you all, and every one of you, upon as much as you can forfeit to us, that you, or any of you, do ordain, or cause to be ordained, or assent to any ordinance in that assembly, that may turn to the prejudice or grievance of us, or any of our ministers, or those that are in our peace or allegiance, and in our protection, or adherents, or any of them. Given at Stirminster, the 21st day of March, in the twenty-fifth year of our reign."

But this step could not conquer the obstinacy of the faction. Edward, therefore, removed his severity, and the meaner sort of the clergy were so far indulged by the archbishop, that they were suffered to pay composition-money to prevent their total ruin. This brought in a large sum; and Edward, before the assembly was dissolved, solemnly entered a prohibition against their excommunicating him, or any of his officers, or any who had his protection. Upon this the archbishop dismissed the synod, bidding each member take care of his own soul.

A. D. 1297.

In the mean time, the dissatisfaction of the noblemen, and the exigences of Edward's government daily increased. He was, therefore, obliged to remit great part of his severity to the persons of clergymen who had been imprisoned for having published the pope's bull. He next directed writs to all the naval ports of his kingdom, requiring that they should not only have all their usual contingencies of sea service ready, but that they should fit out and arm all ships above forty tons, to be ready with the other ships to attend his service at Winchelsea on the morrow of St. John the Baptist ensuing; but the same writs contained a clause, in which Edward says, That he would not have this to be drawn into future example. By this we understand that the danger of the government was then such as superseded all positive provisions against the encroachment of prerogative. A dangerous precedent, and afterwards too often renewed, when necessity was wantonly urged to justify oppression. The sea service being thus provided for, writs were issued out for a general array of all the military force of England; and, on the 8th of July, the chief of the military tenants met Edward at London, to concert the necessary dispositions for the campaign. Edward, before this, had felt their pulse, and soon perceived, that, instead of service, he was to meet with opposition. This put him upon reconciling himself to the people, and especially to the archbishop of Canterbury, his differences with him being one of the main pretexts by which the discontented covered their proceedings. He accordingly gave his promise, and afterwards fulfilled it, that he would restore the clergy of all denominations to their rights and properties. He next took them all into his protection; and, after committing the charge of his son to the archbishop of Canterbury and the lord Reginald Grey, he acted the following remarkable scene, which I shall faithfully transcribe from the monk of Westminster's relation. " The archbishop of Canterbury, says he, being restored to the royal favour, and repossessed of his barony, the king, raised upon a wooden scaffold, with his son, the archbishop of Canterbury, and the earl of Warwick, before Westminster-hall, while the people were all standing round, burst out into tears, and most humbly asked pardon of all present for what he had done. He acknowledged that his government had been less virtuous and gentle than

His difficulties,

and preparations,

Portiuncula,



A. D. 1297. " than that of a king ought to be: that  
 " the pittances of their estates, which they  
 " had either granted him, or which his mi-  
 " nisters, without his knowledge, had ex-  
 " torted, were by him received, that he  
 " might the more effectually quell the ef-  
 " forts of those who thirsted for the blood  
 " of Englishmen; and that he had taken  
 " part of his subjects fortunes, that they  
 " might possess the residue in tranquility."  
 He added, " Behold, I am to expose my  
 " person to danger for your sakes. I desire  
 " that, if I should return, you would re-  
 " ceive me as you do at present, then will  
 " I restore all I have taken from you; but  
 " if I should not return, that you would  
 " crown my son for your king." The arch-  
 bishop, upon this, dissolved into tears; and  
 Edward promising to perform all he had  
 promised, the whole people, with up-lifted  
 hands, vowed fidelity to his person and go-  
 vernment.

Edward, no doubt, had reason to expect  
 that so affecting and popular a behaviour  
 would have smoothed the way for his mea-  
 sures in the ensuing great council of his mi-  
 litary tenants, which was to be held at Lon-  
 don. But the earls marshal and constable,

at the head of a great party, still held out. A. D. 1297.  
 Their offices were to enlist, enrol, and as-  
 sign to the knights and soldiers, who were  
 to serve, their several posts and duties. Be-  
 ing called upon by the king to do their of-  
 fices in this respect, they declined it in the  
 manner which the reader will find in the  
 (1) annexed manifesto, which Edward af-  
 terwards thought proper to publish for the  
 information of the public. But this conduct  
 in the earls did not hinder Edward from ap-  
 pointing others to officiate in their room,  
 and from pressing the military preparations  
 both by land and sea. In the mean time he  
 renewed the protestations he had made to  
 the people; and the nobility took an oath of  
 fealty and eventual succession to prince Ed-  
 ward. The clergy, however, notwithstanding  
 all the king's indulgences, remained very  
 refractory, and unwilling to part with their  
 money without the pope's consent, and re-  
 newed both their excommunications against  
 the king's officers, and their demands upon  
 himself. Edward behaved with great mo-  
 deration. He told them, That their conduct  
 laid him under a necessity of taking some of  
 their goods in an extra-judicial method; but  
 that he would proceed with them so gently,

The marshal  
 and constable  
 refuse to must-  
 ter.

(1) Mr. Tyrrel seems to have mistaken the original here.

Whereas the king, always desiring the peace, quiet, and good estate of his people and kingdom, after the voyage which  
 he is now making, &c. all occasions by which the said peace and quiet may be disturbed shall be wholly taken away. But  
 because, at this time, there may be such reports raised among the people, that may cause them to behave themselves other-  
 wise toward their sovereign lord than they ought, especially since the earl of Hereford and earl-marshal have lately with-  
 drawn themselves from him, or for other matters: Hereupon, for that he would have the affairs of his realm uniform and  
 quiet, he makes known, and would that all should know, the truth of what follows. Lately, when a great part of the  
 men of arms of England (some upon request, others by summons of the king) came to London, the king, willing to provide  
 for their discharge, the settling of their expences, and that they might know what they were to do, sent to the said earls,  
 as constable and marshal of England, to come to him for that purpose. The earl of Hereford came; and monsieur John  
 Segrave, to excuse the earl-marshal, that, by reason of sickness, he could not come, and therefore had sent him in his stead.  
 Presently, by their assent, they were ordered to make proclamation in the city of London, That all those that were come  
 thither, either by summons or request, should, on the morrow, appear before the constable and marshal, to know, and be  
 inrolled in what manner, and how many of them would serve the king in that voyage beyond sea. They told the king,  
 they would perform the order as they had received it in writing; but, the same day, towards night, the earls sent the  
 king a message in writing, by Sir John Esturnis, a knight, in this form: " For that, dear sir, you commanded the mar-  
 shal, by the constable, and by order in writing, that he should cause it to be published in the city, That all such as were  
 come by your summons or request, should be, on the morrow, by one of the clock, before the constable and marshal at  
 St. Paul's; and that they should inroll so many horse of one and the other, and then inform you of it. Your constable  
 and marshal do pray you to command some other of your household to do it: and for that, sir, you know well, that though  
 some are come upon request, and not summons; yet, if they do this, they should enter upon their office, and do service:  
 wherefore they pray you to command others." Upon receipt of this message, and counsel taken thereupon, the king,  
 thinking they might have done it unadvisedly, sent monsieur Geoffrey de Genville, monsieur Thomas de Berkley, monsieur  
 John Tregoz, constable of the tower and guardian of London, Roger Brabazon, and monsieur William de Beresford, to ad-  
 vise them better; and that they might so order things, as they might not turn to the prejudice of the king, nor their own  
 estate: And, if they would not be otherwise advised, then they should ask them, if they would avow the letter sent, and  
 the words contained in it; which they did. And the king, being acquainted with it, advising with his council, put in the  
 place of the earl of Hereford, monsieur Thomas de Berkley; and in the place of the earl-marshal, monsieur Geoffrey de  
 Genville, as they desired: whereupon they withdrew themselves from the king and court. And, soon after, the archbishop  
 of Canterbury, and many other bishops, came to the king, beseeching him they might speak with the earls, which the  
 king granted. They sent to them to know where they might come to speak with them. They let them know, by letters,  
 they should be at Waltham, the Friday on the morrow of St. James. They went thither; the earls came not; but sent  
 monsieur Robert Fitz-roger, and monsieur John de Segrave, knights, who said, the earls could not then come for some  
 reasons. On Sunday following, the bishops and two knights came to the king at St. Alban's, and, at their requests, the  
 earls had letters of safe conduct to come to, stay with, and return from, the king; yet they never came. And now 'tis  
 given out, the earls offered to the king certain articles for the common profit of the people, and that he utterly refused  
 them, of which the king knows nothing: for they never propounded, or caused to be propounded, any thing to him;  
 nor doth he know why they are retired. Among which articles, 'tis reported, there were certain grievances, which the  
 king understands well; as the aids which he often demanded of the people, by reason of his wars in Gascony, Wales, Scot-  
 land, and other where; which could not be maintained, or his kingdom defended, without the assistance of his people;  
 of which he thinks often, that he should so much grieve and burthen them, and prays they would have him excused: and,  
 if it please God he returns from this voyage, he would have all men know, that, according to his great desire, according  
 to the will of God, and to the satisfaction of his people, he will amend all things whatever, where he ought; and, if he  
 doth not return, he will order his heir to do it, as well as if he had returned: for he knows well, that no man is so much  
 bound to the kingdom, or to love the people, as he himself. On the other side, there is great necessity of his going to  
 assist his ally the earl of Flanders, and his passage is so hasty for the peril his friends beyond sea are in; which, if he should  
 lose, the kingdom might be in great danger; and therefore they should have the confirmation of the great charter of the  
 liberties of England, and of the charter of the forests, if they would grant him an aid or gift, such as was necessary for him  
 at this time; and the rather, for that, upon his going over, a lasting peace might ensue. And if he had refused articles,  
 or any thing else, in hatred and destruction of his people, contrary to the common profit of the realm; or that he has done  
 otherwise against the earls than is here said, he desires no man to believe him; for these are the true proceedings, and the  
 very truth of things, to this time. Afterwards he put them in mind what dangers and wars may arise from rumours, sto-  
 ries, and reports, raised between the king and his people, &c. concluding his declaration, That all his good people would  
 pray that his voyage might have a good end, to the honour of God, of himself, of them, and of his kingdom; and that  
 a durable peace might follow. Given at Oymere, near Winchelsea, the 12th day of August, in the 25th year of his  
 reign. Brady, vol. ii. fol. 55, 56.



A. D. 1297. as that they should have no cause to complain of any oppression: but, at the same time, he declined giving them leave to make any application for the pope's permission, thinking, perhaps, the precedent might be more pernicious than the supply could be seasonable. Hoping, by this mildness, to leave all parties in good temper, he set out for Winchelsea, to hasten his military armaments, and to take upon him the command of the expedition to Flanders; but, while he was thus intent upon his voyage, he received, at that place, or near it, a kind of a petition and remonstrance, which bears the following title:

The remonstrance of the whole community of England to king Edward.

"These are the remonstrances which the archbishops, bishops, abbots, priors, earls and barons, with the whole community of the kingdom, declare to our lord the king; and humbly praying, that, as such, he would redress and amend them, for his own honour, and the good of his people."

The first two articles are the same with those which were urged in the council at Salisbury. They then proceed to say, "That if their service in Flanders were due, they ought to do it; yet they were not able, being so oppressed with tallages, aids, and takings, or prizes, as of wheat, oats, malt, wool, leather, oxen, cows, powdered meat, without paying for them, for which they were supported."

Thirdly, "They say they cannot pay taxes, by reason of their poverty, proceeding from the tallages and takings aforesaid, because they had scarce wherewithal to support themselves; and many were in such condition, as they had not wherewith to till their lands."

Fourthly, "The whole community of the land thinks itself very much grieved, that they are not used according to the laws and customs of the land, as their predecessors have been."

Fifthly, "They were grieved and oppressed, that magna charta, or the great charter, was not observed; and that the charter and assize of forests was not observed according to custom."

Sixthly, "The whole community thought itself grieved by the imposition upon wool, which was too burthensome at forty shillings per sack; and of wool for common use, seven merks for the same quantity: for that the wool of England amounted to almost half the value of the whole land, and this imposition amounted to the fifth part of the value of it." Then they conclude, "That because the community wished the king honour and safety, as they were bound to do, it seemed to them it was not good for him to pass into Flanders, unless he were assured that people were true to him and his people; and also in regard of Scotland, which now began to rebel, and would do so much more, when they knew he was beyond sea."

Edward, in answer to this paper, mildly told those who delivered it, that the affair

was of so much public importance, that he could give no answer till he had the opinion of his council, the greatest part of which was then absent, either at London, or in Flanders. He concluded, however, with telling them, That he should have been glad if the noblemen, who sent them, had thought fit to have attended him in their own persons; but that, since they had not, he hoped that they would do no prejudice to his crown or kingdom during his absence; and that they would receive him peaceably, if, by the protection of heaven, he should again return to his kingdom. It was probably at this time that he published the manifesto above-mentioned, representing the conduct of the noblemen. But the last act of government he did before his embarkation was, to send letters to the archbishops and bishops, commanding them to publish no excommunications against any of his officers who should seize their effects. He then went on board about the 24th of August, with an army of fifteen thousand horse, and fifty thousand foot, among whom were many Scots and Welsh.

In the mean time, Edward's affairs in Scotland took an unexpected turn. His government there was extremely oppressive and unpopular. The only minister he had in those parts, with a grain of virtue about him, was the earl of Surrey, whose health would not permit him to reside in Scotland. His other ministers were proud, rapacious, and cruel; and, in particular, Cressingham the treasurer, with Ormesby the justiciary. Baliol was still a prisoner in England; and the Scots, who had never sworn to the then government, looking on the late submission he had made as the effect of compulsion, began to cabal in his name. They were joined by the family of the Bruces, who now despaired of ever being able to obtain the crown by Edward's means. Their meetings were at first secret; and one William Wallace was not only the soul which animated, but the hand which executed, all their deliberations.

The affairs of Scotland.

He was by birth a gentleman, by nature a hero, and by his death a martyr for his country's liberties. Of hunger, heat, and cold, he was patient to a miracle; without despondency when distressed, without insolence when successful; his genius ever prompting the means of combating fortune, and his temperance ever improving her favours. Of his own toils profuse, towards those of his fellows compassionate. By his authority he effected what he could not prescribe by his power. The love of his country commanding his passions, though impetuous; and his duty controuling his ambition, though strong. This gentleman, without any commission but from heaven, without any direction but from nature, formed his unsubducing countrymen into a little band, which daily swelled, and was indefatigable in harassing the English. Wallace was often in peril; but as often did he find resources for his deliverance. At last, his party grew so strong, as to be formidable to the government. The chief of them were the bishop

Character of William Wallace.



A. D. 1297.  
His conduct.

of Glasgow, the earl of Carrick, with the family of Stuart and Douglas. And Wallace, to strike the English with a terror, that might make them more moderate for the future, was forced to make several severe examples; though, according to the Scotch authors, he never put a woman or child to death, nor clergyman who was not in arms. At last, their success was such, that Cressingham and Ormesby, with other English officers, were driven out of Scotland. Edward, upon this, ordered the earl of Surrey to put himself at the head of the northern militia, and to reduce those outlaws; but the earl's health not being yet established, he was obliged to trust his command with the lord Henry Percy, his nephew. The young nobleman acquitted himself to admiration; and advancing towards Ayr, in Scotland, at the head of forty thousand men, he found the outlaws encamped at Irvine, with a lake in their front, and intrenchments on their flanks. In this situation it is possible they might have forced the English general either to have attacked them at a great disadvantage, or to have retired for want of provisions. But dissension, that bane of all councils where no subordinary takes place, destroyed the Scotch. Their heats proceeded so far, that Lundy, one of the bravest men among them, went over to the English, rather than longer suffer a combustion of civil altercation. The effect of all was, that they agreed to submit to the English, on condition of being secured in their lives, limbs, and estates; and that they should have an act of indemnity for all that had passed. It was in vain for Wallace, a gentleman only of private fortune, to think of conquering the concert of the first men in the kingdom. All he could do was to evade giving any security on his own part, and that of his followers, for the performance of the conditions. At last, extricating himself from the disagreeable situation he was in, he sent an open defiance to the English camp; with a declaration, that he would never lay down his arms till the liberty and independency of his country was secured. So generous a resolution encouraged many of the middling rank (where virtue is most commonly found) to join him; and his followers were inspired with double courage, when fighting under him. Very different was the conduct of those, whose honour and blood ought to have dictated better things: for all the nobility submitted to the conqueror, while Wallace, attacking the rear of the English army, plundered their baggage; but the latter soon facing about, he was, according to Knighton, obliged to retire, with the loss of a thousand men. The earl of Surrey, by this time, had reached his army; but was surprized to find every thing in the utmost confusion, through the activity of Wallace. He perceived himself, however, unable to reduce the bold outlaw; and the season now coming on, he was obliged to return with his men into winter-quarters. But Wallace still kept the field, and fell on the estates of those who had submitted to the English. The bishop of Glasgow, in

He defies the English.

particular, was plundered, and his domestics carried away prisoners; while the friends of Wallace increased so much, that they took upon them to vote him the guardian of the kingdom. This was a just, wise, and spirited measure. The nobility, in effect, by their mean submissions, had forfeited their native rights; and those who were yet uncontaminated were justifiable for providing for their own safety. Edward had sent into Scotland several noblemen, the Cummins in particular, who had been prisoners in England, with orders to form a party against Wallace, who now, in all respects, governed that kingdom. It is incredible with what rapidity he over-ran and reduced the whole nation; though perhaps the remissness of the earl of Surrey did not a little contribute to his success. At last, in August, 1297, that nobleman, at the head of a large army, entered Scotland, and advanced as far as the river Forth, where he saw the Scots encamped on the opposite bank. At first he offered them terms, which Wallace refused with gallant indignation, notwithstanding the inequality of his number with that of the English. A council of war was then held, in which, contrary to the opinion of Lundy the Scotch knight, Cressingham the treasurer prevailed with the earl of Surrey to attack the enemy. This could be done only by passing a wooden bridge, the beams of which had, by order of Wallace, been half cut through the day before, without the English perceiving what had been done. The van-guard of the English army was committed to Sir Marmaduke Twenge, a gentleman noted for resolution and courage; and, after passing the bridge without any opposition, he advanced to the hill, on the brow of which the Scots were drawn up. But Wallace had made his dispositions with admirable foresight; for a body of Scots, under the great Stuart of Scotland, who had again revolted from the English, and Matthew earl of Lenox, had secretly posted themselves to the rear of the English army, besouth the Forth, to act as the event should direct. And now Twenge marched up the hill with great intrepidity, while the Scots, by Wallace's order, seemed to retire with some confusion. The English, imagining this to be the effect of fear, pursued very hotly; while a detachment of the Scots wheeling round, got between Twenge and the bridge, just at the time when the pressure of numbers broke it down. Wallace observing this, faced about, and the English who had passed the bridge, being hemmed in on both sides, were miserably put to the sword, to the number of five thousand foot, and one hundred horse. Twenge alone, with a few trusty friends, cut his way through the enemy, and, swimming across the river, rejoined the earl of Surrey, who all this while, unable to aid him, saw the slaughter of his soldiers. Upon deliberation, it was thought safest to burn the remainder of the bridge, and to retire. But, while this was doing, in some confusion, the ambushed Scots, on the south-side of the river, broke out, and attacked the earl with

A. D. 1297.  
He is voted and declared the guardian of Scotland.

Defeats the English at Stirling-bridge.



A. D. 1297. so much fury, that a total rout of his army ensued; while he himself, with great difficulty, escaped to Berwic, which, with the castle of Roxburgh, still held out for the English. Among the slain was found the body of Cressingham, who, though a clergyman, fought in armour; and the Scots took a barbarous revenge of his remains. This victory was attended with the loss of Roxburgh and Berwic, which, through the covetousness of Cressingham, was but ill provided for a defence: and Wallace was now fixed in the most glorious distinction of human nature, That of being the deliverer of his country, and the guardian of her liberties. The loss of the Scots, in this wonderful campaign, was so small, as scarcely to deserve mention: and the first use which Wallace made of his victory, was to dismantle the castle of Roxburgh, which now fell into his hands, and other places to the south of the Forth, as untenable by his raw troops. This done, he established the militia of Scotland on so admirable a footing, that he was in condition that very year to invade the northern counties of England. Here he not only carried fire and sword for three-and-twenty days; but made a valuable booty of cattle, and other provisions, which freed them from the apprehensions of a famine through the long continuance of the war in that kingdom. They were, however, disappointed in their designs upon Carlisle and Newcastle, through the courage of the garrisons of those two places; and that of the former attacked the Scots of Annandale so bravely, that they carried off a large booty from the country.

Cressingham killed.

Wallace invades England.

The conduct of the discontented noblemen.

Thus ended this memorable transaction in Scotland, in this year 1297; and it was no wonder if it gave Edward, at once, surprize and trouble. He had landed his great army at Sluice in Flanders; but his delay of the expedition had almost proved fatal to his ally the earl of Flanders. The French possessed great part of his country; and the king of the Romans, on whose assistance Edward chiefly relied, found himself so much embarrassed with the pope and the princes of Germany, that he could give him no assistance. But these were not the chief subjects of disquiet to Edward; for he learned, that he had no sooner gone on board, than the discontented noblemen gained over the citizens of London, and going in a body to the Exchequer, they forbade the king's officers there to issue any writ to the sheriffs for collecting the eighth penny of the laity, it being, as they pretended, an unlawful tax, to which they never consented. Edward had left the prince regent of the kingdom, and had appointed Fitz-allan to be his lieutenant in Scotland, though it does not appear that the earl of Surrey had ever given up that command; and the great seal was given to John de Langton, as chancellor. But the government found itself in no condition to

oppose the efforts of the confederated barons, whose pretexts were very popular; for they entered into an association with the citizens of London, for the defence and recovery of the liberties of the great charter. They likewise ordered it to be publicly proclaimed, That none of their servants should, upon any pretence whatever, take any thing, though ever so small, without paying for it, upon the penalty of losing life or limb. All this determined the prince's council to proceed very gently with the discontented, and to call a parliament for adjusting the claims of the several parties. This assembly was summoned to meet the 12th of November. But the discontented noblemen, in the mean time, held at Northampton a previous consultation for preparing matters to be offered to the ensuing parliament. They insisted upon it as a preliminary, That the great charter should be confirmed, with some additional privileges; which, they said, was the only basis of a good understanding between the king and the people. This preliminary smoothed the way for the business of the parliament, at which the barons attended, though not without a strong guard, which took possession of the gates and avenues of the city. In short, by the mediation of the archbishop of Canterbury, the great charter, and the charter of forests, were sent over to Edward to be confirmed at Ghent. This agreed to, the discontented noblemen came to the parliament, where the famous statute De tallagio non concedendo was made. The sum of this statute, so important to English liberties, is as follows:

A. D. 1297.

Prince Edward summons a parliament at London,

where the statute De tallagio non concedendo is passed.

I. "The king herein declares, That no tallage, or aid, shall be levied by him, or his heirs, without the will and assent of parliament."

II. "That none of his officers shall take corn, leather, cattle, or any other goods, of any of his people, without the good-will and assent of the party to whom such goods belong."

III. "That nothing hereafter shall be taken of sacks of wool, by colour or occasion of maltolt (1)."

IV. "That all persons shall have their laws, liberties, and free customs, as fully and entirely as they had used them when they enjoyed them best; and if any statutes had been made, or customs brought in, contrary to them, or any manner of article contained in this article, they shall be void."

V. "That the king pardons the constable and earl-marshal of England, and all others concerned with them, that refused going along with him into Flanders, all offences they had done against him, to the making of this present charter."

VI. Ordains, "That all archbishops and bishops, for ever, should read this charter

(1) This was a tax levied on the clergy and laity, by Philip the Fair, king of France; and, because of its illegality, was called Maltolt, or Malé toulte, that is, wrongfully exacted. And hence all illegal taxes, about this time, began to have the same name given them; and, at last, was applied to any exaction, or imposition, whatever.



A. D. 1297. "twice in the year in their cathedral churches, and excommunicate all the violaters of it."

And then this charter was sealed by the king, the archbishops, bishops, &c. who all took a voluntary corporal oath for the more firm observation of it, it so nearly concerning the laws, liberties, and free customs of their country.

Edward confirms all that passed in the parliament of London.

His progress in Flanders.

Besides the general pardon contained in this statute, a particular one passed, under the seal of the prince regent and the council, in favour of all who, having twenty pounds a year, refused to attend the king to Flanders. Thus was the great Edward (a prince of as much address, penetration, and courage, as any in his time) obliged to give way to that spirit of liberty which his former success had made him hope to crush. It is amazing to consider under what difficulties it not only subsisted, but gathered strength, though without that lawless impetuosity with which it flamed out under Montfort. For when Edward, though with some reluctance and debate with himself, had granted confirmations of all that had passed in this parliament, the breaches between him and his people seemed to be healed up. The laity of England granted an eighth part of their goods, and the clergy a tenth; including the wool, which had been exacted from them, as part of the same: and, which was still more important, this was done without consulting the pope.

Edward, after landing at Sluice, had gone to Bruges, which he would have fortified, had he not been prevented by the inhabitants, whom he found so entirely in the French interest, that he was obliged to march to Ghent. Here the ruined affairs of his allies forced him to remain unactive during the winter; only his army plundered some part of the country round, and took the town of Dam, with the slaughter of two hundred of the garrison. This hostility seems to have been in direct breach of a truce, then subsisting between Edward and the French court. Edward, therefore, severely punished the au-

thors of this hostility, and the ringleaders were immediately executed. By the same truce, in which the earl of Flanders was comprehended, all parties stood pretty much upon the footing of the *uti possidetis*; and, if we are to believe the French authors, the same was obtained from Philip, by the mediation of the king of Sicily, whom Edward had so sensibly obliged, and at the earnest request of Edward himself, who was in danger of being blocked up in Ghent. His residence there all winter seems to have been extremely disagreeable to the inhabitants of that city. The English were perpetually harassed by their insurrections, and Edward's person in imminent danger. They twice shut their gates, once against his own person, and once against his troops; and, after cutting off many of his men, he was saved, though not without much difficulty, and setting fire to the gates of the city. His severity did not, however, conquer the fixed aversion of the inhabitants to his government; and Edward, at last, was forced to make examples, by the martial law, of some of his soldiers, and to pay to the inhabitants a large sum for indemnifying their losses. This undesirable situation, and the inability of all Edward's allies, made him now entertain the most serious thoughts of peace, or, at least, a long truce. The pope had offered his mediation for establishing one of two years; but in so arrogant a manner, that it was protested against by the king of France, without being agreed to by Edward, who began now secretly to wish it. By the address of William de Hotton, the elect archbishop of Dublin, he brought the court of France to agree to the holding conferences for that purpose at Tournay, between commissioners to be sent from both kings. Those commissioners, after various (1) negotiations, prolonged the truce from time to time; and, at last, Philip and Edward agreed to comply with the pope's proposal of a two year's truce, and that he should have the honour of establishing it, though not as pope, but as a private person. The conclusion of this treaty left Edward at

A. D. 1297.

A truce with France, by the mediation of the pope.

(1) The whole of this negotiation was very tedious and confused. The best account we have of it is from Mr. Tyrrel, who agrees pretty well with the records both of England and France.—He says, his majesty being now weary of this war in Flanders, into which he had been imprudently drawn by the persuasions of the earl, who was not able to give him any considerable assistance; and also finding the war in Scotland to have proved unfortunate, it made him resolved to agree to the proposal which the pope had some months before made, and declared by his own authority, for a truce during the space of two years, under pain of excommunication upon all such as would not submit to it: though, since the pope's power in making this truce had been protested against by the king of France (as denying his superiority in temporals) and the king of England had not hitherto submitted to it; yet now, being weary of the war, he took an opportunity to use the mediation of William de Hotton, a friar minor, then archbishop elect of Dublin, who being well acquainted with the king of France, under pretence of going to the pope about his own affairs, had obtained that king's letters of safe conduct to come secretly and to treat with himself and his council; and the bishop so well managed his affair, that at last he prevailed with him to consent to appoint certain commissioners to treat, with others to be sent from the king of England, about a truce: which being agreed to, there met at Tournay, for the king of France, the duke of Burgundy, the count of St. Paul, the earl of Bretaign, the earl of Nelle, and the bishop of Auxerre, with some others; and for the king of England, Anthony bishop of Durham, with diverse other noblemen and bishops, whom my author does not mention: and these, after some treaty, agreed upon a truce for two years, viz. from the feast of Epiphany next ensuing, to the same feast again; but with this proviso, That if, at the expiration of the said truce, a perfect peace were not concluded between the two kings, the money deposited by them, as a caution for their true performance, should be returned; and that, in the mean while, both princes should stand to the award of the pope, and send their ambassadors to him on purpose about this affair, the effect of which embassy we shall find anon.—But that our historian is mistaken in supposing this truce to have at first been made for two years, appears from the instrument itself, still preserved among the records of the Tower; wherein it is only styled a suffrance, or forbearing all acts of hostility by sea and land, between the king of England and his allies on the one part, and the king of France and his allies on the other, until the feast of Epiphany; for the duchy of Aquitain, and for the earldom of Flanders, and all other parts, until the octaves of St. Andrew, or the 7th of December; dated on the feast of St. Dennis, that is the 9th of October, in the year of grace 1297. In which there are also the names of the English confederates, that is to say, the king of Almain or emperor, the earl of Flanders, the earl of Savoy, the earl of Bar, the duke of Brabant, the earl of Holland, the earl of Montbeliard, with many other great lords of Burgoin, Aylmain, Brabant, Holland, Gascoign, and Arragon, whose names (being now unknown to us) I omit. By this truce, all trade and commerce was to be exercised as before.



A. D. 1298. some liberty, and he now prepared for his return to England. It must be confessed that this expedition of Edward's was, if not inglorious, yet very unsuccessful. The earl of Flanders had lost the battle of Fournois, to the earl of Artois, one of the French generals; his son had been obliged to abandon Lille, which fell into Philip's hands; a strong party among the Flemings was formed in favour of France, under the title of the Portelis faction: both the king of the Romans and the duke of Austria had been detached from Edward's alliance by French gold: and, in short, at the end of the campaign, Philip remained master of Lille, Courtray, Douay, Bruges, and other places of importance. As to Guienne, each party was to hold what they possessed; and all other differences were to be submitted to the arbitration of the pope.

All those considerations could not but be mortifying to a man of Edward's spirit; but they now gave way to his ruling passion of reducing and humbling the Scots. He had heard, with the utmost indignation, of their success under Wallace; and, to speak candidly, it was perhaps owing to that, more than any other cause, that the English had acquired the late valuable acquisitions to their liberties. Edward, by his letters from Flanders, in the most affecting manner, recommended to several noblemen, that, as they valued his, their own, and their country's honour, they should unite under the earl of Surrey, to suppress the insolence of that restless nation. He wrote much in the same terms to his own party in Scotland; and ordered his son to summon a meeting of all the great military tenants to York, in the middle of January, 1298. The meeting accordingly was held, and the earls constable and marshal assisted at it, as did the earls of Gloucester and Arundel. But, before they could agree to march against the Scots, they demanded to have the great charter, and the late additional statutes in favour of public liberty, read, and published for the satisfaction of the common people. This was done with great formality, and then the bishop of Carlisle denounced sentence of excommunication against all violators of the said charters.

The English, upon this, seemed to have but one hand, and one soul, and those directed against the Scots. Roxburgh castle had again fallen into the English hands, and was now besieged by Wallace. The English, upon this, ordered a general rendezvous to be held in eight days at Newcastle upon Tyne; and there appeared upon their muster-rolls upwards of a hundred thousand infantry, besides two thousand horse, completely armed, and two thousand five hundred light armed. Their first undertaking was to raise the siege of Roxburgh, which was immediately abandoned by the Scots. They next, without resistance, seized Berwic; and the Scots seemed resolved to keep on the defensive about Edinburgh, or beneath the Forth. Edward, being informed of so gallant an appearance of his subjects, was unwilling again, through mismanagement or remissness, to hazard the

NUMB. LXXIX.

miscarriage of an expedition which bade so fair for the utter extirpation of his most hated enemies. He was no stranger to the activity and abilities of Wallace, whose name now made a great figure in Europe; and he had no high opinion of his own generals, from their past conduct: add to this, that he either made, or patched up, matters with the court of France, and thus was at liberty to return to England. All those considerations determined him to put a stop to the ardour of his army under the earl of Surrey till he should come to head it in person. This, perhaps, was no disagreeable news to that nobleman; for the Scots, by this time, had united so well under Wallace, that few or none of them appeared publicly in Edward's interests, or obeyed their summons from England. When the English army, therefore, came to Berwic, where they halted for some time to make provision for their expedition, letters came to them from Edward, ordering them to proceed no farther, because he himself intended to head them. As that king himself commanded a very large army, which was now on its return to England, it was thought proper to dismiss the greatest part of that at Berwic, which was accordingly done; and no more than twenty thousand foot, and fifteen hundred select horse, remained with the earl of Surrey at Berwic.

Those troops were not sufficient to keep the Scots from insulting them. It was the 14th day of March before Edward arrived at Sandwich; and the first act of his government, after his arrival, was, to appoint a commission throughout all the kingdom, to hold juries of inquest concerning the quantity of wool, wool-fells, leather, grain, beasts, flesh, fish, and other goods, which had been wrongfully and illegally taken from the clergy and laity for victualling and fitting out his fleet, or for other matters since the war with France. These commissions were to be executed in each county by two knights, one appointed by the king, and the other by the inhabitants; to which were added a clerk and a religious, who were to be sent by the bishop of the place. This measure could not but be extremely agreeable to the public; and writs of summons were next issued out, for a general rendezvous of all the militia of the kingdom, to meet the king at Carlisle on Whitsun-eve, in order to march against the Scots; and for a parliament, consisting of the nobility and commons of England, to meet on Whitsunday following at York. We are told, by the Scotch historians, that he likewise sent threatening letters to Wallace, telling him, "That he durst not have attempted a revolt in Scotland, much less an invasion upon England, had he himself been in the island."

Wallace received the message with a stateliness rather becoming his station than his birth. His answer was, "That he had more reason to take the opportunity of king Edward's absence to free his country from servitude, than king Edward, of the divisions of a free people, to enslave them."

I I E

A par-

A meeting of the nobility at York.

Their great army,

and progress;

A. D. 1298.

which Edward stops.

Edward returns to England.

His preparations against the Scots,

and message to Wallace.



A. D. 1298.

Edward summons a parliament at York.

His expedition and progress against the Scots.

Sir John Withrington killed.

The Gallowaymen very serviceable to king Edward.

Wallace en-  
vied.

A parliament being met at York, at which Edward was in person, on Whitfuntide, 1298, the noblemen who had been in the opposition, still distrustful of Edward's sincerity, demanded, before they went farther, that he would ratify anew the charters of their liberties. As the formalities which had ever been practised in those charters, when ratified by kings in person, were very solemn, and somewhat tedious; and as Edward was now hard pressed for time, the noblemen accepted of the bishop of Durham, the earls of Surrey, Warwick, and Gloucester as Edward's fidejussors; and they swore, in his name, for his performing, upon his return, all that the noblemen required. This, for the present, was satisfactory; and Edward set out from York towards Berwic, with an intention to make a muster of his whole army at Roxburgh, whither he had already ordered some part of it to advance. It cannot be denied that he set out on this expedition fully determined to give an irretrievable blow to the Scottish name and nation, and to abolish the distinction of names, as well as of government. No preparations were wanting to succeed in this high undertaking. His army, when reviewed, consisted of eighty thousand foot, three thousand horsemen completely armed, and four thousand light-armed. A fleet, at the same time, was ordered to attend him as he marched along the coast, to supply his army with those provisions which the barrenness of the country denied; but the wind not serving for the ships sailing round, the disappointment had almost proved fatal to Edward. He had advanced as far as Templetown before his ships came up; the Scots all the way harraffing his out-guards, and marauding about the country. We are told, by the Scotch historians, of many advantages which the active Wallace obtained over the English in this march; and indeed it is scarcely credible that Edward should march so far into the enemy's country without some loss. The Scots tell us, that Wallace defeated a detachment, under the earl of Pembroke, in Fife, in which the English lost 1580 men; and that he attacked another detachment near Perth, under Sir John Withrington, who was himself slain, and his men defeated. Thus far is certain, that the people of Galloway, who seem as yet not to have been reconciled to the Scotch government, had accepted of an English lieutenant, and taken arms in Edward's favour; being joined by a body of the English, they were very serviceable to that prince, in reducing many places. But the main body of Edward's fleet being still kept back by contrary winds, the scarcity of provisions in his army encreased; so that Edward was forced to think of striking into the more plentiful counties of the kingdom, which were still in possession of the Scots. Accordingly he advanced towards Falkirk, a town situated near the remains of Agricola's wall, where he found the Scots ready to dispute his progress.

Dissention and envy had now insinuated themselves among that infatuated people. The noblemen of the royal blood considered

themselves as so many illustrious cyphers, designed only to swell the importance of the guardian, whom the voice of their country had placed at their head. The feudal law was then in so much vigour in that country, that every nobleman commanded a separate body, who, from their infancy, were taught to acknowledge no other superior but him. The Cummins, the Stuarts, and the Bruces were all the secret or professed enemies of the guardian; and Bruce suffered his private resentments to prevail over his public duties. He considered the merit of Wallace as a reproach to himself; and some were not wanting to insinuate, that the guardian had himself an eye to the crown. This consideration determined Bruce to join Edward with all his following, while the Cummins retained a cold, lumpish inactivity. On the day of battle, in the very hour of attack, the disputes grew so fierce about leading the van of the army, that it was easy to foresee the fortune of the field. When the English army approached, they saw the Scots drawn up in a soldier-like order. Their army, according to the best accounts, consisted of no more than thirty thousand men, which were disposed in three divisions, each marshalled in a phalanx order, for fear of being surrounded. The intervals were filled with archers, the few horse they had were placed in the rear, and their front fortified with wattled palisado's. Even after this disposition was made, the altercations among their leaders rose to a great height; and Edward, having observed the situation of the enemy, ordered the charge to be sounded. This was answered by so terrible a shout from the Scots, as Edward was getting on horseback, that the creature startled, and threw him off with such violence, as to break two of his ribs. But his interest and glory were too much concerned, to suffer any bodily anguish to make the least variation in his conduct. He acted with the same alacrity as if no such accident had happened, and ordered the Welsh to begin the attack; but they, according to Walsingham, through treachery, declined it. Upon which, the king put himself at the head of a battalion, and plucking up the palisades, he broke in with terrible fury upon the enemy. Wallace that day fought on foot in one of his battalions; his speech to his soldiers was, "I have brought you to the king; hop [run] if you dare." But all his courage was ineffectual. He saw the division which was commanded by Cummin leave the field without striking a stroke; while that commanded by Stuart, the brother of the high-steward, was surrounded, and cut in pieces, with their leader. At last, galled by the English arrows, a total rout ensued among the Scots; though Wallace had the address to keep a large party together, and, by the favour of night, to make good his retreat to well-known fastnesses. It is difficult, among the disagreeing relations of this battle, to say how many Scots were killed; but, at a medium, we may suppose twelve thousand: while that of the English was inconsiderable; nor did any one of note among them fall, besides the master

A. D. 1298.

Wallace's speech to the Scots.

The Scots defeated at Falkirk.



A. D. 1298. master of the knights-templars, who was killed in the pursuit.

This victory put an end to the views of Wallace for the delivery of his country. All he could do was to make head, next day, against the earl of Carrick, who had taken a large compass, with a view of cutting off his retreat. This he effectually did, and found means to have a personal interview with that nobleman, in which he encouraged him to shake off his dependance upon Edward (1). After this he laid aside all thoughts of maintaining the invidious post to which he had been raised; and, after burning the town of Stirling, he retired, with the forces under his command, beyond the Forth, to the town of Perth. To this place the scattered remains of the Scotch nobility, who still disdained dependance, repaired; and here Wallace, like Hannibal, whom he resembled in fortune as in character, oppressed by the malice of his countrymen, resigned his invidious greatness; but with a declared intention of retaining that invincible hatred to the English, to which his youth had been devoted, and in which his manhood had been active. This was a glorious proof of real magnanimity; especially knowing he was to be succeeded by Cummin, one of his most powerful enemies. The late guardian then, with a few faithful friends attached to his fortunes, set out in quest of adventures against the English, whom he determined to harass, and take every opportunity of cutting off.

Wallace lays down his commission.

Cummin chosen guardian of Scotland.

In the mean time, Edward was unable to improve the consequences of his late great victory; his fleets were either detained by the winds, or his convoys plundered by the Scots; so that he found it impossible for his numerous army to subsist longer, without supplies, in that barren country. The short time, however, he had, was employed in punishing, with great severity, one part of the Scotch nation, and taking the homage and fealty of the other. At last, he was forced to return through the forest of Selkirk; and, after reducing several places in his march, he reached Carlisle. Here he had fresh cause of discontent; for he found the earls constable and marshal so much disgusted, that they demanded leave to return home with their followers. It is possible that those noblemen might have observed in Edward certain indications, which prefigured that the concessions he had made in favour of his people, proceeded rather from

Edward returns to Carlisle.

necessity, than from choice; but more probably their disgust might arise from Edward's refusing to confirm the great charter, as he had promised. Be that as it will, Humphry de Bohun, earl of Hereford, and earl constable of England, died soon after his return; and England, in him, lost one of the best friends, as Edward did one of the severest checks, either had ever known.

A. D. 1299.

The earl of Hereford dies.

It was not long before it appeared that the discontent of those two noblemen was but too well founded. Edward, to overawe his late conquests in Scotland, thought proper to pass the remainder of the year 1298 in the north of England. He first went to Durham, where, in a great council of the nobility, who still remained about his person, he gave away the estates of those Scots who still resisted his power. He then understood that, undisciplined though overthrown, they had again taken arms under their new guardian; and that they had sent an embassy, in the name of their government, to the pope and the king of France, to mediate a truce in their favour with England.

Edward gives away the estates of the Scotch noblemen who resisted him.

Edward, at that time, found his affairs upon the continent so much distressed, that he was in no condition to deny the request of so powerful mediators. His ally the king of the Romans had lost his dignity and his life, in a battle he had fought with his rival the duke of Austria. This gave the French court a greater ascendant than ever in the affairs of Europe; and, notwithstanding Baliol's imprisonment, the court of Rome treated him, in its bulls, with the language due to a sovereign and independent prince. Edward, therefore, thought it his wisest course to agree to a truce for seven months; and, after keeping his Christmas at Cottingham, near Beverly in Yorkshire, he set out to meet his parliament, which had been summoned to sit at London the following spring.

Rym. vol. ii. p. 816.

Thus ended the transactions of the year 1298, which, though glorious for Edward, yet dare we not pronounce that his successes were answerable to the expences and inconveniences attending the expedition. The Scots of those days, though often defeated, seem to have recovered new strength and virtue every time they touched their parent soil, when overthrown; and public spirit shooed forth at so many heads of the hydra, that it was too difficult for this Hercules of his age to fear it up.

On the first Sunday of Lent, 1299, the

(1) The earl of Carrick, says Abercromby, who, by the means I have expressed, made the guardian to retreat (for which reason, and because of the many forces he brought into the field, he was branded as the main author of the losses his country had sustained) was one of those that followed the chase; and, as the guardian stood on the one side of the river, he advanced to the opposite bank, and, elevating his voice, spoke to him to this purpose: "I am surprized, said he, Sir William, that you should entertain thoughts, as it is believed you do, of attaining to the crown of Scotland; and that, with this chimerical view, you should expose yourself to so many dangers. It is not easy, you find, to resist the king of England; he is one of the greatest princes in the world; and, were it otherwise, do you think the Scots would suffer you to be their king?" The guardian did not allow him to say more. "No, replied he, my thoughts did never soar so high; nor do I intend to usurp a crown I very well know my birth has given me no right to, and my services cannot merit. I only mean to deliver my country from oppression and slavery, and to defend a just cause you have abandoned. You, my lord, whose right may entitle you to be king, you ought to protect the kingdom. It is because you do it not, that I must, and will, while I breathe, endeavour the defence of that country I was born to serve; and, if providence will have it so, to die for. As for you, whose choice it is rather to live a slave, if with safety of your life and fortune, than free, if with the hazard of losing the last, you may continue in the possession of what you so much value, your large estate; though, had you but the heart to claim the crown, you might win it with glory, and wear it with justice. I can do neither; but what I can, I will, live and die a free-born subject." This conversation is thought to have left an indelible impression upon the mind of the aspiring earl; but the circumstances of place and time obliged them both to break it off; Bruce returned to the victorious Edward, and Wallace continued to bring off his men. Fol. 540.

parliament



A. D. 1299.

parliament met at London. The late treaty negotiated by the pope, between Edward and Philip, had never yet been ratified by the assembly, and the king, therefore, took that opportunity of laying it before the members. It was drawn up in the form of an award by pope Boniface, who, in the preamble declares, after a repetition of the last truce, viz. that before the two years now stipulated, "That the kings of France and England had, by their ambassadors and procurators, compromised unto him, Benedict of Cajeta, as a private person, and not as a pope, to be an amicable composer and arbitrator of all wars, controversies, differences, and causes whatever, moved between them; he did, therefore, award and pronounce,

I. "That there should be a firm and stable peace between the two kings.

II. "That the ceasing of all hostilities, by the truce lately made and confirmed between the two kings for the space of two years, should be inviolably observed.

III. "That the king of England should marry Margaret, the king of France's sister, and endow her with fifteen thousand pounds Tournois (i. e. three thousand seven hundred and fifty pounds sterling) per annum.

IV. "That Isabella, the daughter of the king of France, not then seven years old, should, in convenient time, be married to Edward, the king of England's son, who was then thirteen years of age, with the dower of eighteen thousand pounds Tournois per annum.

V. "That all goods on either side, ships especially, taken before the war, and then not embezzled or destroyed, should be restored; and if destroyed, and not to be found, then either king to make satisfaction at the request of each other.

VI. "That all the lands, vassals, and goods which the king of England had in France before the war, which he is to have restored to him by virtue of this compromise, he should have and enjoy, under such conditions and security, as should be awarded by the pope.

VII. "That all the lands, vassals, and goods which the king of France was then possessed of, that were the king of England's before the war, and those the king of England was then possessed of, should be put into the hands and possession of the pope, and so remain till the kings themselves agreed about them, or he should order what was therein to be done, without prejudice to the lands, vassals, and goods of either of the kings, as to the possession, detention, or property of them."

This sentence, or award, is dated at the pope's palace in Rome, on the 20th of June, 1298.

These articles were far from being either honourable or advantageous to Edward; they were, however, agreed to by the parliament, which, in return, demanded the ratification of their charters of liberty and the forests. By the ratification of the latter, it was al-

ways understood, that a perambulation of the forests was to be held, in which the encroachments made by the crown, in violation of the charter, were to be rectified; and this was commonly done by a commission, who were to enquire thereinto, upon the oaths of lawful jurors. Edward, sensible that any such inquest, at that time, would weaken the power of the crown, made, at first, some difficulty to grant this confirmation; but, at last, consented, provided a clause was inserted, saving all the rights of his crown. The assembly did not know how far that term might extend; and whether Edward, as some of his predecessors had done, might not stretch those rights into an unconstitutional prerogative. This consideration created very high debates in the parliament, and Edward thought it his wisest course to retire from London; while the members, thinking his leaving them to be a gross affront upon the dignity of the meeting, returned to their several houses in great discontent.

During this recess, Edward met with various causes of uneasiness. He perceived that the courts of France and Rome had interested themselves deeply in favour of the new government of Scotland; and he received the mortifying news of that people being again in arms, and of their driving out of Scotland all the English, excepting those who held the castles of Roxburgh and Berwic. Add to all this, that though the late award of the pope had been ratified in parliament; yet had it never been carried into execution. This proceeded from a backwardness in both kings. Philip, among other pretexts for his delay, pretended, that, by the late treaty, Baliol, as being a vassal of the crown of France, ought to be delivered into the pope's hands. Edward, for some time, disputed this, alledging that part of the treaty only to affect those who had been made prisoners in Gascony; but being in no condition to contest the matter both with the pope and with Philip, he gave a commission to the pope's agent, the bishop of Vincenza, for carrying, almost at any rate, the treaty into execution; with full powers for receiving, from his officers in France, the proper surrenders stipulated by the treaty. He gave, at the same time, full powers to Robert de Bourges, constable of Dover, to carry over, and deliver into the hands of the said bishop, John Baliol, his prisoner.

That creature of royalty had, in captivity, sunk almost below contempt. He had already, in an instrument under his hand, disclaimed all property as to the crown of Scotland, on account of the malice, treachery, and deceit of that nation, which had attempted to take him off by poison. It is ridiculous to imagine that this renunciation was obtained without the knowledge of Edward; but it is certain that the bishop of Vincenza repaired to Monstreuille, where he acted as arbitrator between the English and the French ambassadors, and, in all respects, carried the late treaty into execution; the earl of Lincoln appearing as proxy from prince

Articles of the truce between king Edward and the king of France. Tyrrel, Brady, Rymer.

The pope and king of France favour the Scots.

Rym. vol. ii. p. 840.

Baliol king of Scots renounces his property and title to the crown of Scotland.

The parliament demand a confirmation of the charters of liberty and forests.



A. D. 1299.  
and is set at  
liberty.

prince Edward, for espousing the princess Isabella, daughter to the king of France. On the 20th of July, the unhappy Baliol was formally delivered into the hands of the bishop of Vincenza; and there is some reason for believing, that, to obtain this scandalous liberty, he had, since his coming into France, subjected his crown to the pope, in the same manner he had before done to Edward. The ceremony of this delivery was performed at Whitland; but it was attended by a kind of an instrument on the part of Edward, in which he declared, that the pope might direct and act what he pleased with respect to Baliol's person and English estate; but with a salvo to all the rights which he (Edward) and his heirs, might have upon the kingdom of Scotland. This salvo was grounded, first, upon Baliol's forfeiture of that crown, by taking arms against Edward; and secondly, upon his late renunciation thereof. At the same time the pope sent a strong monitory bull to Edward, against his renewing the war with Scotland, because that kingdom was a fief of the Romish see. As the bull is curious, I have given the substance of it in the notes (1), as we find it published in Mr. Rymer's collections.

The pope sends a monitory bull to king Edward, concerning Scotland.

The king summons a parliament,

and grants the perambulation of the forests.

In the mean time, Edward found himself very uneasy, both on account of the success of the Scots, and the ill humour in which the late parliament had broken up. He was therefore obliged to issue out writs for another parliament, to meet fifteen days after Easter, where he retracted the salvo which had before given so much disgust; and not only purely and simply ratified the charters, but issued out a commission to three bishops, three earls, and as many barons, for making a perambulation of the forests. Having, as he thought, thus re-established himself in the good graces of his people, he met with a fresh and unexpected

obstacle in the execution of his designs. He had summoned all the militia of his kingdom to meet him at Carlisle on the Whitsunday following, in order to proceed against the Scots, and to put such of his subjects, as he had vested in their lands, in due possession of the same; but, as he was setting out, he found himself obliged to put off the expedition, because of the opening of the conferences at Monstreuille; he therefore prolonged the assembling the militia at Carlisle to the 1st of August.

In the interval, he omitted no means either of reconciling to himself the affections of his subjects, or providing for the reduction of the Scots. For this purpose he concerted proper measures with an assembly of his council, which was held about Midsummer at Westminster. He ordered prayers to be put up in all churches for his success; and caused a proclamation to be issued, to give notice, that the commissioners for the perambulation of the forests were to meet at Northampton by next Michaelmas, and to proceed, without delay, upon the dispatch of business. This delay, however, gave infinite disquiet to the subjects, who apprehended that, after their services were performed, their grievances would be continued. Edward too well knew the consequences of their general dissatisfaction, to slight them; he therefore published a kind of manifesto, in vindication of his conduct. He gave in it the reasons why the perambulations were delayed; he represented to the public, that he had been treated with less decency than was due to his character as a king; and put his people upon their guard against those who, being disaffected to his government, strove to foment differences between the crown and its subjects. It does not appear that Edward went to meet his army on the 1st of August; for it seems he was then in

He is forced to put off his expedition to Scotland.

(1) The pope tells king Edward, "That the kingdom of Scotland never was, nor is, a fee of England; that this both himself and Henry III. had owned; his father, because, by his letters patents, he testified that he had received auxiliary troops from his son-in-law, Alexander III. king of Scotland, not as an assistance any way due to him, but as a special favour; himself, because, when he entreated the same king Alexander to be present at his coronation, he declared also, by his letters, that he asked it as a special favour, to which king Alexander was no ways obliged: That when the king of the Scots did the usual homage to him for his English possessions of Tyndale and Penrith, he publicly protested, That as king of Scotland he was independent, and that he held his crown of God alone; to which king Edward himself did agree: That when king Alexander died, leaving a grandchild only behind him, as heiress of the crown, king Edward did solicit a marriage between her and his own son prince Edward, by all methods imaginable; whereas, had he been liege-lord of Scotland, he had had the wardship of the young lady, and might have given her in marriage to whom he pleased; but that, on the contrary, there were guardians of the kingdom at that time, though not appointed, yet owned, by him: That with these guardians, the nobility of Scotland had chosen, he had treated concerning the marriage: That, by the contract agreed to, it was expressly provided, That if there happened to be no children of that marriage, the kingdom of Scotland should return to the next heirs, free and independent, as it had ever been; and that if children were procreated, yet that Scotland should remain separate and distinct from England, should retain the name and dignity of a kingdom as before, and be governed by its own laws, have its own officers of state, have its independent and free parliaments; and that no causes concerning Scotch affairs should be decided but within the bounds of Scotland, nor none of its inhabitants be obliged to go elsewhere for judgment: That the queen of Scots being dead, and the controversy arising among the nobility about the succession, the greatest part were willing that the king of England should be arbitrator; and accordingly invited him to the borders, whither he came with an army to support his faction; but that they would not go over the limits of their own country, nor appear in his presence, till he first assured them, by his letters patents, that they were not required to do the same, as being a duty, but out of a special favour; and that the liberties of the kingdom should suffer no prejudice thereby, nor should their compliance be a precedent for after-times: That, notwithstanding these securities, some innovations had afterwards been made and assented to by one, in whose favours he had pronounced an unjust sentence: yet all those things were extorted by violence and fear, which may befall a constant man; and therefore ought not to subsist in law, nor to redound to the prejudice of the kingdom: That when legates were sent into England by the apostolic see, to exercise their functions, they could not, upon that pretext, proceed to do the same in Scotland; neither was there ever a legate admitted, or ought to be admitted, into that kingdom, unless he brought special letters from the pope to the king of Scotland; which had been needless, if Scotland had been a fee of England, or the kings of Scots subject to the kings of England: That the church of Scotland had ever been, as the kingdom, independent of any but the see of Rome; and that, when the archbishop of York had, in his predecessor's time, pretended to a superiority over the clergy of Scotland, he could produce nothing to make good his plea, but a letter from some Scotch bishops, who had passed this compliment upon him, Remember that we are yours." In fine, he absolutely condemns the design of the king of England to subdue Scotland, especially at a time when it wanted a head; and admonishes him, sharply, to withdraw his arms from thence, and to leave the Scots to their own liberties and laws: adding withal, "That if he had any equitable plea to allege for himself, he should appear before him, by his ambassadors, within six months; and that he would take care to do justice to both parties." Tom. ii. fol. 859, &c.



**A. D. 1299.** daily expectation of his bride, the princess Margaret of France, who did not, however, land till the beginning of the next month. She was attended by the dukes of Burgundy and Brittany, and married Edward, with great pomp, on the 12th of the same month at Canterbury.

King Edward marries Margaret, sister to the king of France.

Conjecture.

Holds a parliament at York,

and marches to Berwic.

The truth is, that Edward still found himself in a very disagreeable situation, through the jealousies of his subjects. The great men, particularly the earl of Warwick, and lord Walter Beauchamp, steward of the household, talked so high, as to threaten a renewal of the civil commotions, on account of their liberties not being secured. It is more than probable, that these discontents, rather than the dalliances of love, kept Edward this year from making any progress in Scotland, where his enemies continued to make great advances, and had besieged the castle of Stirling. All the ceremony, however, of Edward's wedding being over, he set out for York, where he held a parliament on the 11th of November, to deliberate upon proper means for carrying on the war in Scotland to advantage. He next put himself at the head of his army, and advanced to Berwic. He found it would be both improper and imprudent to venture farther. The year was too far gone for him to advance into so comfortless a country, against enemies defended by woods and bogs, fortified by patience under hunger and penury, and animated by the spirit of revenge and independency. But these, far from being all, were perhaps the least of Edward's obstacles. His great men could no longer dissemble their uneasiness, and Edward found them daily withdrawing from his army. About this time he received a letter, which is preserved in Mr. Rymer's collections, from the bishop of St. Andrew's, the earl of Carrick (who it seems had again deserted Edward's party) and John Cummin the younger, dated at Torwood, the 13th of November, and wishing Edward health, with the spirit of charity towards his neighbours.

Letter to Edward from the Scots. Rym. vol. ii. p. 859.

The same letter intimates, "That, by letters both from the ever illustrious Philip king of France, and from John duke of Brittany, his ambassador in England at the time, they were informed, that king Edward had agreed to a cessation of arms for some time; and that, if he pleased to let them know so much, by letters under his own hand and seal, they are, on their part, willing to forbear hostilities till the truce shall expire." This letter affords us a pregnant proof, that, notwithstanding Baliol's mean submissions, the king of France not only considered the government of Scotland as legal in the hands of the guardians, but the Scots themselves, as his allies. It is, indeed, pretty surprizing, that the particular time for this armistice is not stipulated; and perhaps Edward looked

upon the hostilities the Scots had committed, since his agreement with the king of France, to be a breach of that article. We know of no answer which Edward returned to this letter, other than that he ordered the garrison of Stirling castle to deliver it up; a matter which must have given a most sensible disquiet to his high spirit. Being, for the reasons I have already hinted, obliged to pass his Christmas at Berwic, he gave a commission to John de St. John, the same officer who had served him so well in France, to be governor of Scotland; though others were joined in the commission with him (1).

**A. D. 1300.** John de St. John made governor of Scotland.

The disappointments he had already met with, made him return to England with a sincere resolution, if possible, to remove all causes of public discontent. It cannot be denied that he had shuffled abominably with his subjects, or at least they thought so. But, to the eternal honour of the English, neither the great address, nor great power, which Edward possessed; neither the glory of enlarged dominion, nor the gratification of national resentment, could divert the people from pursuing the truest of all glories, that of piously transmitting to their children, increased and fortified, the liberties they had received from their fathers. Edward saw this spirit too strong to be longer resisted.

When he came to Winchester, on his return to London, about the beginning of February, 1300, he ordered a deputation from the city of London to attend him. To them he restored their charters he had seized into his hands twelve years before; though it appears, that last year they had been governed by a mayor, one Wallace, who held his mayoralty at Stepney. From Winchester Edward set out to meet the parliament, which, on the 29th of December last, had been summoned to meet at Westminster, on the second Sunday of Lent. He would have gladly declined the bitter cup, which he foresaw was to be his portion. He closeted his noblemen one after another; he wrought upon them by bribes, by words, by promises, that they would put off their demand of more ample satisfaction with regard to the great charter, till after Michaelmas; and told them, at the same time, that he would be contented with the parliament's voting a twentieth part of their goods, by way of subsidy. He won over some; but the majority being determined, the archbishop of Canterbury made the motion for the renewal and confirmation of those charters, and for certain additional articles for farther security. He was seconded by the greatest and most considerable part of the barons. Edward could not help being nettled at such an appearance of resolution. He asked them, if they took him for a deceiver? As those words intimated that he looked upon himself as personally attacked, the lords, to clear

The king summons a parliament,

and restores their charter to the city of London.

(1) This year was made an act of common council for prices of victuals, to be sold at London, by consent of the king and nobility, concerning the price of poultry. A fat cock for three-halfpence; two pullets for three-halfpence; a fat capon for two-pence halfpenny; a goose, four-pence; a mallard, three-halfpence; a partridge for three-halfpence; a pheasant, four-pence; a heron, six-pence; a plover, one penny; a swan for three shillings; a crane for twelve-pence; two woodcocks for three-halfpence; a fat lamb, from Christmas to Shrovetide, six-pence, and all the whole year after for four-pence. Stow's Annals, p. 207.



**A. D. 1300.** themselves from any suspicion of faction, let their motion sleep for some days. During this time, Edward, as the wisest and best course, determined on compliance, with as good a grace, as if he had never hesitated one moment. He came into Westminster-hall; he ordered the great charter, and the articles upon it, to be produced and read; he commanded they should be ratified, and have the great seal appended to them. He then, with unusual cheerfulness, demanded of the archbishop of Canterbury, in the English language, whether he knew the additional articles to be defective in any point; because his intention was, that they should be instantly amended. And lastly, he permitted the archbishop, and his clergy, to denounce all those excommunicated who should violate or infringe what had been then done and ratified. As to the additional articles, the reader has them in the note (1); but it is to be observed, that they are granted with the saving clause of the king's prerogative, which had before given so much dissatisfaction, and which perhaps was the cause afterwards why some of the English remain-

and confirms the great charter, with the additional articles.

ed still dissatisfied. These were followed by many other popular acts. It was enacted, by statute, That, in all cases, where there was no remedy at common law, there were three knights to be chosen in every county, summarily to hear and determine, from day to day, all matters concerning such as had offended against the said charters (the king's ministers not excepted) without allowing any delays, otherwise allowable by the common law. And these had likewise power to punish offenders, by imprisonment, ransom, and amerciamment, according as the fault required. He next called in all the bad money, which was then very common in England, under the different coins called, crocards, pollards, ro-faries, and others. He had, indeed, the year before, reduced the currency of one of those pieces to one half of what they before passed for; but he forbade them to be longer current on any terms throughout all England. I likewise find that Pierce Gaveston, hereafter so infamously famous, was banished from about the person of prince Edward, who, by his persuasion, had been guilty of several outrages against the bishop of Chester; and,

**A. D. 1300.** Three knights appointed in every county to enforce the great charter. Tyrrel.

Stow, p. 203. Pierce Gaveston banished.

(1) Articles upon the charters.

- Cap. I. The great charter, and that also of the forests, shall be fully observed; and they shall be read four times in the year in a full county-court. There shall be three knights, or other substantial men, chosen by the commonalty in every county, to hear and determine complaints concerning the charters, without such delay as is used at the common law; but they shall not, in their proceedings, prejudice the common law, or the charters themselves, &c.
- Cap. II. If a purveyor be attainted for taking any thing without a warrant, he shall be sent to the next jail, and suffer as a felon, if the value of the goods do so require.
- Cap. III. The stewards and marshals of the king's household shall not hold plea of freehold, debt, covenant, or contract, but only of trespass done within the house or verge; or of contracts and covenants, when both parties are of the house. And the plea of trespass shall be determined before the king's departure from the verge where the trespass was committed, and the plea thereof shall be speedy, de die in diem: and if the plea cannot be determined in time, the plaintiff shall then have recourse to the common law. The steward shall take no cognizance of debt, or other things, but of the people of the same household; and if any thing be done contrary to this act, it shall be holden as void. In case of death within the verge, where the coroner of the county is to make view, he, together with the king's coroner, shall do his office; and what cannot be done by the steward, before the king's departure, shall likewise be left to the common law.
- Cap. IV. Common pleas shall not be holden in the Exchequer, contrary to the form of the great charter.
- Cap. V. The chancellor, and the justices of his bench, shall follow the king, so as he may have always near him such as be learned in the laws, to order matters that shall come to the court.
- Cap. VI. No writ concerning the common law shall be awarded under the petty seals.
- Cap. VII. The constable of Dover castle shall not hold plea of any foreign county within the castle gates, except it concern the keeping of the castle; neither shall he distrain the inhabitants of the Cinque-ports to plead elsewhere, or otherwise than as they ought, according to the form of their charter, confirmed by the great charter.
- Cap. VIII. The people of every county shall have election of their sheriffs, where the shrievalry is not of fee: but this was altered by the statute of 14 Edw. II. de vice comitibus.
- Cap. IX. None shall be impanelled, but as is ordained by statute; and they shall be next neighbours, most sufficient, and least suspicious: that if the officer do otherwise, he shall answer double damages to the party grieved, and be grievously amerced to the king.
- Cap. X. Against conspirators, false informers, and embracers of inquests, the king hath provided a writ in the Chancery; and the justices of either bench, and justices of assize, shall, upon every complaint thereof, award inquests thereupon without writ, and do right without delay.
- Cap. XI. None shall take upon him any cause in suit, with an intent to have part of the thing sued for; neither shall any, upon any such covenant, give up his right to another, on pain that the taker shall forfeit to the king so much of his lands and goods as do amount to the value of what he hath purchased for such maintenance, to be recovered by any that will sue for the king in the court where the plea hangeth.
- Cap. XII. Beasts of the plough shall not be distrained for the king's debt, so long as others may be found, on such pain as is elsewhere ordained by statute (viz. De districtione scaccarii, 51 Hen. III.); nor shall the great distresses be taken for his debts, nor driven too far. And if the debtor can find convenient security for some time, whereby to agree for the demand, the distress shall, in the mean time, be released; and he that doth otherwise, shall be grievously punished.
- Cap. XIII. The commons of every county shall chuse such sheriffs as shall not charge them, nor put any officer into authority for rewards or bribes; nor lodge too oft in one place, nor with poor persons, nor men of religion.
- Cap. XIV. Bailiwicks and hundreds shall not be let to farm at too great sums, whereby the people may be over-charged with contributions to such farms.
- Cap. XV. The summons and attachments of plea of land shall contain fifteen days notice, unless in attachments of assizes in the king's presence, or before the justices of the common bench, or pleas before justices in eyre, during the eyre.
- Cap. XVI. Such execution shall be done upon those that, by precept from the king, make false returns of writ (by which means right is delayed) as is ordained by the statute of Westminster the second, cap. 39.
- Cap. XVII. The statute of Winchester shall be again sent into every county, to be read four times in the year, and to be kept as strictly as the great charters, on the pains therein limited: and for the better observance of it, the knights assigned in the counties to redress things done against the said charters, shall be charged with this, and have hereby their warrant for it.
- Cap. XVIII. An action of waste is maintainable against escheators and sub-escheators, for waste by them committed in the lands of wards: but this is now out of use.
- Cap. XIX. When lands are wrongfully seized into the king's hands by the escheator or sheriff, and after it be out of his hands, because he cannot justly hold it, the mean profits shall be fully restored to him who ought to have the land, and who hath sustained the damage.
- Cap. XX. None shall make, or cause to be made, any vessel, jewel, or other thing, of gold or silver, except it be of good and true alloy, viz. gold of a certain touch, and silver of the sterling alloy or better; and none shall work worse silver than money: with several other appointments for goldsmiths to observe, upon pain of imprisonment and fine, at the king's will. Saving the right and prerogative of the crown in all things.

Tyrrel, vol. iii. fol. 209, 210.

according



A. D. 1300. according to my author, the prince was even put under arrest. He next, within a week after the confirmation of the charters, directed his writs to several commissioners in all counties where there were forests, to make perambulations, and to receive instructions about them, on the morrow after the feast of Ascension, with a charge, that, through their neglect, they might not remain undone.

Writs issued out to sheriffs, concerning the observation of the charters.

About a fortnight after this, he directed writs to all the sheriffs of England, reciting, "That whereas he had, by his special grace and favour, granted the articles upon the charters, so much to their advantage, he commanded them to proclaim them in the county court, and in all boroughs and market-towns within their counties or bailiwicks, and to cause them to be firmly observed and performed."

These, with several other popular acts, being done, Edward on the 10th of May, again renewed the above-mentioned commission to three knights, and proper assistants of each county, for seeing the great charters duly executed, and for punishing all crimes not cognizable by common law. He next set out for the north, and called together a great meeting of his military tenants at York on Midsummer-day. Edward thought that the many concessions he had made, entitled him to all their services in his ruling passion of humbling the Scots; but some, though they appear to have been inconsiderable, renewed their disputes, with regard to their obligations by tenure to attend the king's person. Such a question never could have happened, had not, as I before observed, the feudal law fallen, by this time, into so much desuetude, that few nobility of the old feisin had more than possession to plead as their title for their estates. Even the crown itself seems to have been at a loss, as well as the barons; for, instead of proving its rights by the evidences of writs and charters, it had recourse to that of history, and confuted the mutinous barons from the works of Marianus, Scotus, William of Malmesbury, and Roger Hoveden. Having thus conquered all opposition to his setting out, he entered Scotland with a great army. About the beginning of July he came in sight of the enemy, whom he greatly out-numbered, and forced to retreat without fighting. By this the castles of Lochmaben and Carlaverock fell into his hands, after short sieges. After putting garrisons into them, he marched to support his friends in Galloway. Here he was met by the bishop of that diocese, and by the Cummins, who proposed to him terms of accommodation, which were, "That they should live under Baliol, as their king. That those Scotch estates, which had been given to the English, should be restored to their first owners. And that Baliol and his family should return to Scotland."

Edward again invades Scotland.

Terms of accommodation proposed by the Scots.

Those commissioners had been encouraged by the court of Rome to make such high demands; but no sooner did they intimate to Edward that the pope would interpose, than he interrupted them with a disdainful simile:

A. D. 1300. "Have you, said he, sworn homage to me, as sovereign of Scotland, yet think to terrify me with pretences? Have I no power to guard my right? By all that is sacred, if I hear one word more of this, I will lay all Scotland waste with fire and sword from sea to sea." But men are not easily daunted, when they dread somewhat more than death. Such were the Scots of those days. They answered, "That they were ready to spend the last drop of their blood in defence of their country's liberty and independency."

All conferences being now at an end, Edward advanced farther into Scotland, till he came to the river Swyney, the opposite banks of which were lined with the Scots, to dispute his passage. Edward ordered some archers to advance; and part of his army, under a terrible discharge of their arrows, passed the river. The Scots, unable to stand the charge, hastily fled; which Edward imagining might be to draw his men into an ambuscade, he therefore sent the earl of Warren over to call them off from the pursuit. But the English, warm with success, seeing the earl advance at the head of some troops, by a happy mistake, imagined he was come to support them; they therefore pressed their charge till they came to the main body of the Scots; so that, when the earl came up, he found them too far engaged to think of a retreat, or of any thing but victory. Edward, seeing the battle must now become general, ordered another line of his army, with his son prince Edward at the head of what was called his Shining battalion, to pass the river; and then sounding a general charge, he advanced in person at the head of his remaining troops. The Scots, who, perhaps, never thought of standing a general engagement, immediately fled to their fastnesses, where they defied all the power of Edward; nor could the Welsh, on whom he most depended for that service, be prevailed on to continue the pursuit through woods and bogs, and over untried mountains.

Edward defeats the Scots,

This victory, though perhaps it did not cost the Scots much blood, almost proved fatal to their affairs: it opened the way for Edward to lay siege to the important castle of Stirling, the key to their northern counties. The garrison was commanded by William Oliphant, a brave soldier; and a regular siege was formed. Many engines were brought against the place; but the governor made so vigorous a defence, that Edward, willing to spare his troops, ordered two pair of large gallows to be erected, and proclamation to be made within the hearing of the besieged, "That upon them he would hang every man within the place, if it was not surrendered to him by a prefixed day." The siege had now continued three months, and the garrison began to be pressed with famine. This determined the governor to give up the place upon honourable conditions, which Edward, who regarded virtue and merit in all but the Scots, did not well observe.

and takes Stirling castle.

But the Scots, all this time, were making a much



A. D. 1300. a much more effectual opposition to Edward in the cabinet, than they were able to do in the field. They had, by soothing the pride, or gratifying the avarice, of the pope, made so strong a party in his court, that his holiness ordered the archbishop of Canterbury, as his extraordinary legate, to intimate in person to Edward his bull, the substance of which I have already given, and which had, for some time, lain dormant. The pope's mandate to the archbishop being very peremptory, obliged him immediately to set out to execute his commission. After surmounting prodigious difficulties on the road, he reached Edward on the 25th of August, as he was at dinner, near what the English records call the abbey of Dazquar. Besides the bull which the archbishop had to intimate, he had a special mandate from the pope, in which it was said, that his holiness, for Sion's sake, could not hold his peace, and for Jerusalem could not rest. Edward had scarcely patience till the delivery of this impertinent message was over. He heard it out, however, and the bull read. Upon which, starting up, "By the blood of God," cried he, for Sion's sake I will not hold my peace, and for Jerusalem I will not be at rest, while breath is in my nostrils; but, to the utmost of my power, I will defend my well-known rights." The archbishop wisely suffered this folly of passion to spend itself with any reply; and Edward, beginning to cool, entered with some seriousness upon the matter. The archbishop urged all the arguments he could think of, to persuade the king to comply with the tenor of the bull, and to refer all matters in dispute, between him and the Scots, to the arbitration of the pope. At last Edward desired the archbishop to withdraw, that he might be more at liberty to take the opinion of his council and barons. After some debate, it was agreed to return to his holiness a soothing answer. Edward, ordering the archbishop to be called in, acquainted him, "That, in a matter of so much consequence as that contained in the bull, it was necessary, by the English constitution, that he should take the opinion of a fuller assembly of his barons, many of whom were deeply concerned in the affairs of Scotland. That he would take the very first opportunity, of calling together such an assembly, and send to his holiness an account of the result of their deliberations, by messengers of his own." In the mean time, well knowing that the court of Rome was not to be trifled with, in an affair it had so much at heart; and yet not chusing to do aught upon any motive that carried with it an air of compulsion, he laid hold of the application made to him by the French ambassadors in favour of the Scots, as a colourable pretext for granting them a truce, which was to be in force from October the 30th, 1300, to Whitsunday, 1301. Accordingly we find, in Mr. Rymer's collections, a writ, declaring, that this truce had been granted at the instance of the king of France; but with this express reservation, that he did not thereby mean

to acknowledge the Scots as allies to that king. But it is plain that Philip did look upon them as such; for his ambassadors, Peter de Mouncey and John de Barres, formally notified the conclusion of the truce to Sir John St. John and Sir Adam Gordon, whom the guardians of Scotland had appointed wardens of their marches upon the English borders. A. D. 1300. Ibid. p. 870.

Edward now engaged himself in studies very different from those of war. The pope having not only denied his right to the superiority of Scotland, but laid claim to it himself. On his return towards the south of England, he halted at Rose castle in Northumberland. From thence he ordered writs to be issued out, dated September the 26th, commanding some of his own clerks, with several deans of cathedral churches, archdeacons, officials, with others most eminent in the knowledge of the laws and antiquities of both kingdoms, to repair to Lincoln, at a parliament to be there held, where they were to assist at certain conferences concerning the rights of the crown of England to the superiority of Scotland. He likewise ordered the chancellors of the two universities to send their most experienced civilians to assist in the same parliament; and the different heads of religious houses to send extracts out of their archives and histories concerning the same.

The time for receiving the returns of the perambulations, and determining all suits arising from the same, being now come, Edward, to put a stop to all farther heart-burnings among his people on that account, on the 26th of September, this year, ordered a writ for putting an end to that affair. As the writ in itself is curious, I shall give the substance of it from Mr. Tyrrel. It recites, "That the king had granted the charter of the forests, and had assigned commissioners in every county where there were forests, to make perambulations, and to report them to himself before any execution was done thereon, that his own oath, the right of the crown, his reasons and claims, as well as those of all others, might be saved. And though the said commissioners had already returned to him what they had done, yet because the prelates, earls, barons, and great men of the kingdom, in whose presence he would have his own and the reasons of all others proposed and heard, were not then present with him; since there are others who were bound with himself to observe and maintain the laws and rights of his crown; and farther, that those who ought to propound their reasons concerning this matter, had notice of it, without whose advice a good end could not be put to it: therefore, because this business might be dispatched without delay, he was willing to have a conference and treaty with the prelates, earls, barons, and great men aforesaid, and others of the community of the kingdom, concerning this affair, and other arduous matters, touching himself and the state of the kingdom; he therefore commanded, and

The writ of summons to the parliament.

The archbishop of Canterbury brings the pope's bull to king Edward into Scotland.



A. D. 1301. " firmly enjoined him the said sheriff of  
 " Cumberland to cause to appear before the  
 " king, at his parliament at Lincoln, on the  
 " octaves of St. Hillary next coming, two  
 " knights of his county, viz. those who  
 " came for the community of the country,  
 " by his precept to the late parliament, as  
 " also the same citizens, and the same bur-  
 " gesses, for all the cities and boroughs with-  
 " in his bailiwick; and if any of them were  
 " dead, or infirm, then to cause others to be  
 " chosen, and to come in their stead, so that  
 " they might be present at the day and place  
 " aforesaid, with full power to hear and do  
 " what then should be ordained for the com-  
 " mon profit of the kingdom."

By the same writ, the knights and citi-  
 zens repairing to parliament, were to be al-  
 lowed reasonable expences from their con-  
 stituents; and orders all who have any ob-  
 jections to put in against the perambulation,  
 to appear before himself, and exhibit them  
 in parliament. Other writs were likewise  
 directed to those who had made the same  
 perambulations, to be present at the parlia-  
 ment, which was appointed to meet at Lin-  
 coln in January following. The rest of this  
 year, probably, was spent in preparations for  
 the ensuing parliament, of which both the  
 crown and the people had mighty expecta-  
 tions. This year was remarkable for two  
 events which affected the royal family; the  
 one was the birth of a son to Edward, at  
 Brotherton in Yorkshire, not far from Pom-  
 fret; and the next was the death of the earl  
 of Cornwall, whose estate reverted to the  
 crown.

Thomas of  
 Brotherton  
 born.

Earl of Corn-  
 wall dies.

A parliament  
 at Lincoln,

In the beginning of the year 1301, Ed-  
 ward, after keeping his Christmas at North-  
 ampton, opened his parliament at Lincoln.  
 The members seem to have met in no good  
 temper. The king's concessions had very  
 little effect upon their minds; and they be-  
 gan to talk very high, even of reviving the  
 ancient pretences of the Montfort faction,  
 and to oblige the crown to leave to parlia-  
 ment the nomination of the great officers of  
 state. The king disssembled his knowledge of  
 those cabals; and the members, not being  
 assured of the concurrence of the commons,  
 durst not venture to propose them in parlia-  
 ment. The session was opened by a very  
 fine speech from Roger de Brabazon, Ed-  
 ward's secretary of state, who represented to  
 the members, that his majesty had done no-  
 thing but by the advice, nay, the direction,  
 of the parliament, who was therefore, in  
 honour, the more obliged to support him.  
 He complained bitterly of the hostilities com-  
 mitted by the Scots, and the intrigues prac-  
 tised by France, which had, in some measure,  
 frustrated the king's good intentions for the  
 service of his people, and the glory of his  
 crown. He concluded with informing them,  
 That his majesty was obliged to throw him-  
 self upon his parliament for a pecuniary aid,  
 and to demand a fifteenth of their temporal  
 estates. One can scarcely conceive, after the  
 repeated pains that Edward had been at to  
 oblige his people, how an opposition could  
 be, as it was, formed against this demand,

and secretary  
 Brabazon's  
 speech.

on pretence of the public grievances still  
 continuing. The members representing, That  
 nothing, in effect, had been carried to exe-  
 cution, in this so much expected affair of  
 the perambulations. That the royal officers  
 had abused their powers, in the violations of  
 the great charter; and that they were already  
 impoverished by the repeated subsidies they  
 had paid. In short, before they granted  
 more, they peremptorily required that mea-  
 sures should be taken for the better observance  
 of the great charters, and that an end should  
 instantly be put to the affair of the peram-  
 bulations of the forests. It was in vain for  
 Edward to think of evading this demand.  
 It was insisted upon so strenuously, that, at  
 last, he told them, He was ready to grant  
 and confirm whatever they could in reason  
 ask or desire. The members held him to  
 his word, and, after a delay of some days,  
 the perambulations of the forests were con-  
 firmed on the 14th of February, with this  
 clause, " That whatever, by these last pe-  
 " rambulations, was deforested, should re-  
 " main so: and what was then allowed to  
 " be forest, according to the metes and  
 " bounds then set out, should be so for  
 " ever."

The bounds  
 of the forests  
 settled.

The several charters of liberty were next  
 confirmed by Edward, and writs ordered out  
 for the election of three knights, or sufficient  
 freeholders throughout every county, who  
 were to enforce the due observation of the  
 same, and to meet the king on the morrow  
 after the feast of Ascension next. All this  
 brought the parliament into so good a tem-  
 per, that the laity granted the king a fifteenth  
 part of all their moveable goods, to be paid  
 by the 1st of October that same year. But  
 Edward was then, it seems, upon a very in-  
 different footing with the court of Rome;  
 and the archbishop of Canterbury, with the  
 clergy, excused themselves from granting  
 any thing without the pope's licence.

The great affair of redress of grievances  
 being now dispatched, the pope's bull next  
 came under deliberation. It was allowed,  
 on all hands, that it ought to receive an an-  
 swer; but the manner and substance of that  
 answer gave rise to long debates. By the  
 minutes of the session (which have been  
 printed by Mr. Pryn, in his History of the  
 Pope's Usurpations) we find, that the as-  
 sembly were very cautious, lest even the  
 pleading to this bull might imply some kind  
 of a doubt as to the validity of the king's  
 right. It was likewise strongly urged, that  
 Edward should not deign to make any de-  
 fence, on that head, before the pope, who  
 was to be both judge and party; and great  
 numbers were for his declining the whole,  
 because, as the question affected the rights  
 of his crown, he had a good excuse for not  
 submitting them to any foreign cognizance,  
 without consent of his nobility and parlia-  
 ment. After various debates, a very strong  
 letter was agreed to. After several compli-  
 ments of course, " They deny that ever the  
 " crown of Scotland was subjected to the  
 " church of Rome: they maintain that it  
 " had been immemorially a fee of the crown  
 " of

Debates in  
 parliament  
 concerning  
 the pope's  
 bull.  
 [See p. 886.]

Their answer.



A. D. 1301. " of England; and that, having diligently considered his holiness's letters, it was, and for the future should be, the common, unanimous, and unshaken resolution of all and every one of them, That their lord the king, concerning his rights in Scotland, or other his temporal rights, should in no wise answer judicially before him, or send proxies or commissioners to him; especially when it would manifestly tend to the disinheritation of the crown of England, and dignity royal; and to the notorious subversion of the state of the kingdom, to the prejudice of their liberties, customs, and paternal laws; which, by their oaths, they were bound to observe and defend; and which, by the help of God, they would maintain with their whole force or power: nor would they permit the king to do such strange and unheard-of things, if he should attempt it. They conclude with hoping that his holiness will permit the king to enjoy his rights, without any farther interruption." It is dated from Lincoln, the 12th of February, 1301. This letter is wrote in the name of no less than one hundred and five of the temporal lords, who continued sitting after the commons had left the parliament, which they did eight days from the first day of session. It farther appears, that those (1) noblemen, after the commons had left them, took upon themselves to act as the whole community of the kingdom; but this I apprehend to have been only in matters of advice, but not of subsidy; and, even in that case, we shall have afterward occasion to consider, whether they did not act by the delegation of the commons themselves. Be this as it will, it is certain that, though those noblemen were extremely jealous of Edward's honour as a king of England, they had laid several schemes for circumscribing his power. Among others, is that we have already hinted at, of appointing the great officers of the crown. But the violent party, who were for this, found that the king, by his late popular concessions,

had gained over a majority among the barons themselves. Edward, being assured of this, in a very sharp speech, upbraided the faction with a design not only to unking him, but to reduce him to a meaner state than that of any private gentleman; who (he said) had always in his power to appoint the servants about his person. These, and several other cutting expressions, had so good an effect, that all opposition was quashed. Edward, on the other hand, with the best grace in the world, promised an inviolable observation of the great charters. He likewise agreed, that four-and-twenty knights should be re-elected out of the whole kingdom, for distinguishing, upon oath, between new and ancient forests; and for disforesting all places which had been such since the coronation of Henry III. He concluded with ordering sentence of excommunication to be denounced against all the violators of the great charters, which he himself owned, by the advice of evil counsellors, he had not regarded as he ought to have done. These, with many other popular acts, rivetted Edward so firmly in the affections of his subjects, that the parliament broke up well satisfied of the king's intentions and sincerity.

About two months after the date of the late letter to the pope, concerning the affairs of Scotland, Edward, not chusing, if possible, to embroil himself with the court of Rome, thought fit to give his holiness a more particular satisfaction with regard to his claim on that sovereignty: he therefore ordered a letter to be drawn up, upon the materials furnished by the clergy, lawyers, antiquaries, and others whom he had summoned to attend the parliament. In this letter he makes a kind of recapitulation of the fabulous history of England; and, after conning over the grossest of Geoffrey of Monmouth's absurdities, he carries the detail down to his own times, in a manner that does no great honour either to the learning or the candour of his advisers (2). For they begin with the fabulous story of Brutus the Trojan, who, after

The king orders twenty-four knights to be chosen for distinguishing and settling the bounds of the forests.

Edward's declaration to the pope, concerning his dominion over Scotland, ill supported.

(1) That this was not unusual, appears from a very singular writ, which I shall give here both in the original and translation.

Puis apres le 21 jour de Marz, fu fait une crie par commandement le roi en cestes paroles:

Ercevesqs, evesqs & autres prelatz, countes, barons, & chivalers des countez, citizeins & burgeys, & autres gentz de la commune ge cy sont venuz al mandement nostre seigneur le roy a cest parlement, le roy les mercy mult de lour venue & vuet ge quant a ore qu'il retournent en leur pais: Issint qu'il reneignent prestement & sanz delai quele heure qu'il soient autre foiz remandez sauve les evesqs, countes & barons, justices, & autres qui sont du conseil nostre seigneur le roy que ceux ne senallient sanz especial conge du roy. Et ceux qui ont a bufoigner ge ceux demorgent a suivre leur bousoignes. Et les chivalers qui sont venuz par les countes, & les autres qui sont venuz par les citez & les burghs suivent a Sire Johan de Kirkeby, & il leur fra avoir brefs d'avoir leur despenfes en leur pais. Et lavandit Johan de Kirkeby par la reson de la crie avantdite les nouns de chivalers qui viendrent pour les countes, & les nonnes des autres qui vindrent par les citez & burghs livra au chanceler, & fist crier ge touz y ceux qui voussissent brefs suivre de leur des pens, si come desus est dite suivissent illo ges par leur brefs.

" Then after, on the one-and-twentieth day of March, proclamation was made by the commandment of the king, in these words:

" The king gives the archbishops, bishops and other prelates, earls and barons, knights of counties, citizens and burghesses, and other persons of the commons, which by our lord the king's command came to this parliament, many thanks for their coming; and willeth, That at present they return into their countries, so as they readily, and without delay, do come again at the time when they shall be remanded; except the bishops, earls and barons, justices and others, which are of the king's council, who may not depart without special leave of the king; and those which have business, must stay to follow it. And the knights that come for counties, and the others that come for cities and boroughs, may apply themselves to Sir John de Kirkeby, and he shall cause them to have writs for their expences in their countries: And the aforesaid John de Kirkeby, by virtue of the proclamation aforesaid, shall deliver the names of the knights, citizens, and burghesses, to the chancellor; and proclamation was made, That all such as would sue for the writs of expences, should do it as above is said."

(2) He sets forth, from diverse chronicles of England, remaining in several abbeys, the superiority and dominion of the ancient English kings over those of Scotland, with the several homages which the latter had at any time made to the former: and it then proceeds to give a brief account, from the records and memorials taken of this transaction, of the vacancy of the throne.



A. D. 1301.

after the destruction of Troy, landed in Albion, since called Britain, but then inhabited by giants, whom he and his followers destroyed. They next returned to the several divisions of Britain among the sons of Brutus, and particularly, that part of it now called Scotland from Albanact, one of that Trojan's sons, who held it in fee of his elder brother. Then, after a detail of the several conquests made by succeeding British kings, mention is made how king Athelstan, after defeating the Scots, begged of God Almighty, by the intercession of St. John de Beverly, that he might grant him some sign, by which it might be known to all posterity, that the Scots had been subjected to the crown of England: upon which, seeing some rocks near Dunbar, in East-Lothian, he drew out his sword, and struck it an ell deep into a large flint-stone. This, with what the reader will find in the notes, is, I think, a sufficient specimen of the contents of this letter, which has been so often mentioned by our historians and antiquaries.

Rym. vol. ii.  
p. 388.

The Scots had, by this time, once more recovered their spirits, and had retaken the castle of Carlaverock; and Edward found his affairs embroiled by a conspiracy of the citizens of Bayonne, which obliged him to treat with the nobility and his officers in that country with a good deal of management. But the truce with Scotland being now expired, Edward prepared to renew the war there with greater vigour than ever. He had a real tenderness for his son prince Edward, and had early initiated him in the profession of arms. As he never had been thoroughly satisfied of the fidelity of the Welsh, he now thought of an expedient, which proves what a consummate knowledge he had in the nature of mankind; for the prince having been born in Wales, the Welsh, in some measure, considering him as their countryman, he thought, with reason, that the readiest way of fixing the fidelity of that

people, would be to revive the titles of prince of Wales and earl of Chester in his person (1). This being done, the prince went and received the homages of all the noblemen and chief tenants in those parts; and Edward set out to put himself at the head of his army, with an order for the prince to follow him with all expedition.

A. D. 1301.  
Edward of Caernarvon made prince of Wales and earl of Chester.

A general rendezvous of his forces having been made, he ordered them to enter Scotland, both by the roads of Carlisle and Berwick, himself commanding the one body, and the prince of Wales the other. We can give but very few encomiums on the success of this campaign. The Scots, observing the only conduct which could distress the English, refused to come to any general engagement; but cut off their convoys, harassed their troops, and intercepted their provisions in such a manner, that Edward did nothing besides retaking the castle of Carlaverock. Neither did Edward's affairs prove more prosperous on the continent. Being no longer able to support the earl of Flanders, because that earl could be no longer serviceable to him, his affairs went from bad to worse, and the king of France gained against him several signal advantages, though without coming to any open rupture. Philip retorted upon Edward the arguments the latter had made use of against the Scots being considered as the allies of France; for he applied those very arguments to the case of the earl of Flanders, who he said was more indisputably a vassal to the crown of France, than the Scots had ever been to that of England; he, therefore, by a parity of reasoning, refused to admit that earl to be mentioned in any treaty as an ally of Edward. Edward likewise received great disquiet from the pope's backwardness to carry the late treaty between him and the king of France into execution. Being, by this time, arrived at Glasgow in Scotland, he dispatched from that city Walter bishop of Litchfield and Coventry, Amadeus earl of

Edward goes again into Scotland.

Sends ambassadors to complete the treaty with France.

throne upon the death of Margaret, late queen of Scotland, and the disputes that had arisen thereupon among the several competitors to the crown; which had been, by the bishops, abbots, earls, barons, and other noblemen and commons of that kingdom, voluntarily referred to his determination, as supreme lord; and which had also been acknowledged and submitted to by each of the competitors to that crown; and that, in virtue thereof, he had declared John de Baliol lawful king of Scotland: and then proceeds to give an account of the rebellion of the said king John, and all the estates of Scotland; and their invasion of England, and depredations there committed; contrary to their former oaths of homage and fealty: and lastly, sets forth the king's conquest of Scotland, and the surrender of the said king John of his whole right to the kingdom, and the king's possession of the same by those titles; and that, notwithstanding their having again done homage and swore fealty to him, acknowledging him for their king and supreme lord, they had yet several times spoiled, wasted, and invaded England: and so concludes with a caution to the pope, that he would please not to give credit to the false insinuations and suggestions of the Scots; and humbly desires that his holiness would have a paternal care of his royal rights and dignities. This is dated at Kemsey, the 17th day of May, A. D. 1301. Tyrrel, vol. iii. fol. 147, 148.

(1) We have, in old Stow, some reason for believing that Edward had this measure in his eye from the very birth of this prince; his words are as follow:—On St. Mark's day, or the 25th day of April, at Caernarvon in Wales, was born the king's son, named Edward upon this occasion: King Edward, albeit he had brought all Wales under his subjection, and a statute, made at Ruthland in the twelfth year of his reign, incorporated and united the same unto England; yet could he never win the good-wills of the common people of the country to accept him for their prince, unless he would remain himself in that country among them; neither could he bring them to yield obedience to any prince, except he were of their own nation: for the Welshmen, having experience of the government of the English officers, and knowing that the king would rule the country by his deputies, could not abide to have any Englishman for their ruler. Wherefore, oftentimes, upon the king's motion, they answered, "That they were contented to take for their prince any man whom he would name, so he were a Welshman;" and other answer could he never get of them by any means. Whereupon, having secretly sent for the queen, being then with child, caused her to remain at Caernarvon; and when she was nigh her deliverance, the king, being at Ruthland, sent for all the barons and best men of Wales to come to him to consult about the weal-public of the country; and when they were come, he deferred the consultation until he were certified that the queen were delivered of a son: then sending certain lords to the christening, he called the Welshmen together, declaring unto them, "That whereas they were oftentimes suitors unto him to appoint them a prince, he now, having occasion to depart out of the country, would name them a prince, if they would allow and obey him whom he should name." To the which they answered, "That they would so do, if he would appoint one of their nation." Whereunto the king replied, "That he would name one that was born in Wales, and could speak never a word of English, whose life and conversation no man was able to detect." And when they all had granted that such a one they would obey, he named his own son Edward, born in Caernarvon castle a few days before. Then the king, having the country at his will, gave lordships and towns in the midst of Wales unto English lords; as the lordship of Denbigh to Henry Lacy, earl of Lincoln; the lordship of Ruthen to the lord Reginald Grey, second son to John Grey of Wilton, &c. Fol. 202, 203.



**A. D. 1302.** Savoy, Otto de Grandison, knight, Gerrard archdeacon of Richmond, his ambassadors to the pope, to negotiate that affair; but was surprized to find that the earl of Savoy and Otto de Grandison, the two ministers who knew most of the differences between him and the king of France, declined to accept of the offer. From Glasgow Edward moved to Dunipace, from whence we find a new commission issued to the bishop of Litchfield and Coventry, to the earls of Savoy and Lincoln, with the archdeacon of Richmond, and John de Berwic canon of York, for making up all differences between him and the king of France. But it seems this commission likewise was declined by the earl of Savoy, for what reason is not expressed.

Keeps his Christmas at Linlithgow in Scotland.

Abercromby.

Edward, finding the Scots, in a few weeks during the winter, undid all he had been effecting during a whole summer's campaign, resolved to pass his winter at Linlithgow, a town within a few leagues of the capital. While he lay there, he received advice from his plenipotentiaries in France, that they had agreed with those of Philip to another truce with the Scots; and the instrument drawn up on this occasion is no less singular, than it must have been mortifying to Edward. It imports, "That whereas the king of France had frequently required the king of England to forbear molesting the noble prince, John king of Scotland, and the Scots, his allies; and that the treaties intended for that effect having been, till now, by several impediments, delayed: therefore, in order to put an end to that affair;

I. "A cessation of arms was, by the plenipotentiaries of both the kings, agreed to continue till the feast of St. Andrew, being the 30th of November, 1302."

II. "That the plenipotentiaries shall meet again at Monstreuille a fortnight after Easter, to treat of such differences as have not yet been adjusted; provided, nevertheless, that the earls of Flanders, Bar, &c. shall not be considered nor mentioned by the king of England as his allies."

III. "That the lands, castles, &c. taken from them by the king of England before the ratification of this present agreement, shall be sequestered into the hands of the king of France, till the feast of All-saints next, and be, by him, committed to the guardianship of the duke of Burgundy, earl of Aumale, or any other not ungrateful to the king of England."

IV. "That the king of England shall ratify the agreement, with this reservation, That although the king of France gives always the title of king of Scotland to John Baliol, and calls the Scots his allies; yet he the king of England protests that he owns neither of them to be such."

But it was soon evident that Edward did not mean to give up his favourite purpose of utterly subduing the Scots. He filled all Europe with ambassadors and applications; but chiefly the see of Rome was solicited to use its good offices with France, to bring that crown off from acknowledging Baliol as its ally. The earl of Lincoln and Hugh d'Es-

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penfer, two of his ablest ministers, were sent off to represent to the pope the injuries and violences the Scots had committed against England. They were likewise charged to set the pope right as to the prepossessions he had entertained in favour of the Scots, and to represent them as a most perfidious, faithless race. But all was to very little purpose.

**A. D. 1302.**

Edward, however, might have surmounted his difficulties, had not the watchful spirit of jealousy again seized the English. About Mid-lent, in the year 1302, a great council, or what some do call a parliament, was held at Stamford. Here public discontent broke out so strong, that Edward thought fit rather to sooth than curb the disaffected. They complained loudly that the perambulations of the forrests, which they had so much at heart, had been unfaithfully observed; and Edward was even taxed with the want of sincerity in the professions and promises he had made at Lincoln. The effect of all this was a visible distrust on both sides, so that all public business was at a stand. At last Edward, to appease them, promised once more that every thing should be settled according to their minds. He next set out for London, where he was met by agents from the pope, who not only enjoined him to make up all matters with the Scots, and not to molest them farther; but to restore Baliol to all his family estates. This was by no means agreeable to Edward's views; and he was so far from complying with it, that he ordered John de Segrave, the governor of Berwic, to have in readiness a large force to act against the Scots, as soon as the expiration of the truce and the season of the year would permit him, and likewise to take upon himself the title of the guardian of Scotland. But it is now time to attend the continent.

A parliament at Stamford.

Though the king of France had been so successful against the Flemings, as not only to imprison their earl, but to subdue their country, which he filled with his own gar-risons; yet his officers were too insolent for his conquest to be permanent. The oppressed Flemings found themselves reduced, under a French intendant, one Chatillon, to a state no better than that of slavery. They chose, for their leaders, the earl of Namure, son of their then imprisoned earl, and William son to the count de Juliers. Rage and resentment furnished them with arms; the French were quickly either expelled, or put to the sword; and no place in all Flanders remained in their hands besides Courtray.

The king of France loses his conquests in Flanders, through the insolence and oppressions of his officers.

Philip, enraged at this, raised a great army, the command of which he gave to the earl of Artois, one of his best generals, with orders immediately to march to the relief of the citadel of Courtray, then besieged by the Flemings. But the latter, animated by the love of liberty, naked and unarmed as they were, flocked to the standard of their princes. The French general, little knowing what those noble sentiments can effect, attacked them in their camp; but received a signal defeat on the 11th of June, 1302. The French historians themselves own, that there scarcely was a noble family in France which

Earl of Artois defeated by the Flemings.



A. D. 1302.

did not go into mourning on this occasion. Philip, however, put himself at the head of a new army; but was forced to make a dishonourable retreat. The reason of this is attributed to a refinement of Edward. We are informed that he told his queen, in great confidence, that there was a conspiracy formed among the French noblemen in Philip's army to betray him. This was re-imperted, under a seal of deep secrecy, to Philip by the queen; and Edward acted his part so well, that Philip really believed it. Whatever may be in this, it is certain that the Flemings made head so successfully, that Philip began to listen to a peace in good earnest with Edward. Both princes, at that time, were heartily disgusted with the court of Rome, and both of them put on a resolution of abandoning their allies for their own safety; but this must be done decently. Edward had appointed fresh commissioners, but with the same ill success, to manage his affairs at the court of Rome. Perhaps the pope would not have been averse from granting all his demands, if he could have persuaded him to have entered heartily with him into a war with France; but that would have been very inconvenient for Edward, while the Scots remained so formidable, and his own subjects so discontented. The pope, on the other hand, though he approved of the diversion which his arms met with from the Scots; yet he disapproved of the principles upon which they acted. He could form no notion that any people ought to act upon principles independent of the Romish see. The bishop of Glasgow, in particular, had been very strenuous in his opposition to Edward. He had sworn to him in the most solemn manner; but he afterwards was as strenuous in the party against him. The pope, therefore, took care to check this spirit, in a very sharp letter he wrote to that prelate; and recommended, what he thought was impossible to be effected, that they should make up matters with Edward. As they knew that a treaty was to be opened, they demanded letters of safe conduct, which Edward thought fit to grant; and this year they sent to France, as their plenipotentiaries, William Lamberton bishop of St. Andrew's, Matthew Crambeth bishop of Dunkeld, John Cummin earl of Buchan, James lord steward of Scotland, John Soules, Engelram Umfraville, and William Baliol. These came time enough to assist at the conferences, which were by this time opened between the commissioners of the two princes. Matthew of Westminster informs us, that the French could not be persuaded to treat, unless the Scots were admitted into the negotiation; and that this, at first, had almost broke up the conferences. For Edward ordering his plenipotentiaries to return to England, represented to his parliament, which met the beginning of July at Westminster, the difficulties he was under in this respect. But he appears to have received but little encouragement from the parliament: for the commissioners were ordered immediately to return, upon the news of the success of the

The Scots send  
ambassadors to  
France.

Flemings, The conferences being now resumed, Philip's plenipotentiaries did all they could to persuade Edward to come over in person; but without any success. All the late award of the pope on this occasion was set aside, and the negotiation proceeded entirely on a new footing. Their first measure was the establishing a truce for the Scots, which was accordingly prolonged, first to Easter, and afterwards to Whitsuntide, next year. This was all that Philip ever had meant to do for his allies, whom he thus sacrificed to his own interest. Their commissioners, however, remained still in France during the rest of the winter, and the negotiations went still on. At last a treaty was agreed upon, in which the Scots were delivered up by Philip, and the Flemings by Edward. The terms were, That the two kings should meet at Amiens in September following, there to swear peace mutually to one another; and that the king of England should simply and unconditionally do homage to Philip for the duchy of Guienne, and as a peer of France. Edward, in consideration of this great concession, ordered the earl of Lincoln, as his proxy, to do homage to Philip in his name; and entered into a league offensive and defensive with France. It is true some exceptions were made in the body of the league. It was declared by Philip, that it did not mean to operate against Albert king of the Romans, nor John earl of Hainault; while Edward, in like manner, excepted his son-in-law John duke of Brabant.

A. D. 1302.

While Edward was thus endeavouring to gain some respite abroad, he was no less solicitous in pursuing his two favourite views at home, that of breaking the power of his overgrown noblemen, and of utterly destroying the Scots. If we are to believe Matthew of Westminster, an impeachment was cooked up, on the part of the crown, against the earl marshal, for entering into a conspiracy with the archbishop of Canterbury, and other noblemen, while Edward was last in Flanders. The earl, conscious that he must be convicted, and having been long at variance with his brother, upon whom his estate and honours were to devolve, thought it his best course to throw himself entirely upon Edward's mercy. Accordingly he made a formal surrender into the hands of the crown of all his estates, titles, and offices. Edward, however, meaning not to ruin, but to reduce him, regranted him the earldom and marshalsea of England, with a thousand pounds a year; and, soon after, put him in full re-possession of all his estate. The example of the earl-marshal was followed by Humphry de Bohun, constable of England, earl of Hereford and Essex, who, in like manner, resigned all his estates, honours, and dignities, which, however, were regranted to him about two years after. The like fate, according to Westminster, had many other of the conspirators; and Edward, by this means, thought that faction lay gasping at his feet.

He had now nothing to prevent his pushing the war in Scotland with double vigour. Segrave, his governor, had been very assidu-

A mutual  
league be-  
tween France  
and England,  
and terms of  
it.

The earl-mar-  
shal resigns his  
estates and  
titles into  
Edward's  
hands;

as does also  
the earl of  
Hereford.



A. D. 1303. **ous** all winter in getting together an army, and making proper dispositions for penetrating into Scotland. Early in the year 1303, he had notice to begin hostilities about the time the truce should expire. Accordingly he divided his army into three bodies, with a view of extending his quarters farther into Scotland; but perhaps without any thoughts of beginning hostilities till the expiration of the truce. He was at the head of a very fine army, consisting of no fewer than thirty thousand men, all well appointed, and many of them horse. The Scots, however, looked upon his march as a recommencement of the war; and Cummin the guardian, with his lieutenant-general Sir Simon Fraser, determined to oppose him. Segrave's three divisions lay then too far from one another for either of them to receive immediate assistance from the other. The rendezvous of the Scots was at a place called Biggar, about sixteen miles from Roslin, where the first division of the English came. The number of the Scots did not exceed ten thousand; but they charged the enemy with so much intrepidity, that they took their general prisoner, and put the English to the sword, or obliged them to throw down their arms, or to fly to their second division, which lay about four miles distant, and now advanced to recover the honours of the field, under the command of Segrave's brother. But the spirits of the Scotch commanders, flushed with victory, got the better of their fatigue. They harangued their soldiers; they encouraged them, by dividing among them the plunder of the field; and then putting, with cruel, but perhaps necessary, policy, their prisoners to the sword, they received the charge of the English. The dispute was obstinate, but at last ended in favour of the Scots, who immediately armed themselves in the spoils of their enemies, and mounted their horses. But it was not long before a third division of the English, under the command of Sir Robert Neville, advanced. It was with the utmost difficulty that the leaders of the Scots could persuade their men to stand a third charge; but they had not long time to deliberate: for Neville attacked them so furiously, that they had no hopes but in their own valour. The event was glorious to Neville, who retook Segrave, and thereby brought off his men with some appearance of victory. It cannot, however, be denied that those three actions in one day did prodigious honour to the Scots, and perhaps few passages in history can equal their success.

Segrave's march into Scotland,

who is taken prisoner.

The Scots defeat the English in three separate actions.

The letter of the Scotch ambassadors in France. Rymer, Abercromby.

A. D. 1303. " Scotland may be prolonged, and that the two kings may meet. That, upon an interview (now all their quarrels were taken away, and a perfect friendship settled between them) it would be more easy to bring about the peace of Scotland. That, in the mean time, if the designed truce was agreed to by king Edward, it was fit the Scots should accept of it, notwithstanding the damage some of them, by lying so long out of their yearly revenues, would sustain. But that, if the heart of that prince was, like that of king Pharaoh, hardened so far, as to reject all reasonable terms, even in that case they exhorted their countrymen not to despair, but to shew themselves more than ever men of resolution and courage." They added, " That did the Scots but know how much their valour was, over all the different climates of the world, celebrated upon account of their last conflict, they would certainly be overjoyed, and encouraged to out-do themselves. That it was their own inclination and earnest desire to return with all haste, in order to be as useful to their country as was possible; but that the king of France would not suffer them to depart till he had effected their business. That his ambassadors would probably go from the court of England to Scotland; which, if they did, they desired that they might be received with all imaginable respect and civility, both for the honour of them, the prelates and nobility, and for that of the kingdom."

This letter had a dreadful effect upon the spirits of the Scots in general; and all their kingdom seemed already to be subdued, except the soul of the unconquered Wallace. Edward, to improve their consternation, and to revenge the late defeat of his forces, had already summoned his military tenants, with the inhabitants of the Cinque-ports, to perform their several services, that he might attack the enemy at once by sea and land. He ordered the rendezvous of his land forces to be held at Roxburgh and Berwic, and his ships to meet at Newcastle. About Whit-Edward Sunday he put himself at their head, and fell marches again into Scotland. The resistance he met with was inconsiderable; though the castle of Stirling, after maintaining a vigorous siege, had been obliged to surrender to the Scots. But Edward well knew that they had no forces of any consequence in the field, excepting the few who still followed the fortunes of Wallace; he therefore resolved to push his march so as to prevent the enemy from uniting. He advanced northwards, without staying then to reduce the castle of Stirling, which he then cut off from all communication with his enemies. The first resistance he met with, was from one Thomas Maule, a gentleman, whose family was of French original, but was now possessed of the barony of Panmuir, and commanded the castle of Brechin, which was then, by situation, almost impregnable. Edward drew out against it the whole array of his battering engines, and, for upwards of twenty



<sup>A. D. 1304.</sup> twenty days, pressed the siege very warmly ; but to no effect. This made the governor guilty of an action nearly approaching to insolence, because done in contempt of the greatest prince in his age. For with his handkerchief he wiped the wall of the castle which had been struck with a stone from one of Edward's battering engines, while another, soon after, striking himself dead, the garrison, disconcerted and discouraged, capitulated. The season now advancing, and with it the barrenness and poverty of the country, Edward might have been obliged to forego his farther progress, had it not been for the excellent service he received from his ships, which, coasting along, supplied his army with all necessaries. Secure of this, he thought no march laborious, he found no country uncomfortable, through which he was to reach a foe. The castle of Urquhart was held out by one Alexander Bois ; but was taken by storm, and the garrison, with their commander, put to the sword. In short, Edward found the limits of the land and those of his conquest the same ; and returning without opposition, he took up his winter-quarters at Dumfermling, which lies almost in the heart of that kingdom, as the prince of Wales did at Perth. One of our historians informs us, that, when he came to Stirling, he found the bridge broken down, and the Scots drawn upon the opposite side of the Forth. Edward was just going to dinner when he heard this news ; but he immediately ordered an alarm to be sounded, and, getting himself on horseback, plunged into the river, and was followed by all his army ; upon which the Scots retired, without disputing his passage. But this must have happened some miles above that castle, which, however, he did not think fit, at this time, to besiege.

These military transactions too much employed the cares of the government, for us to expect this year any perfect account of what happened in England during Edward's absence. We cannot, however, omit one remarkable incident, which there is reason to believe very much distressed Edward ; this was the robbing the exchequer at Westminster to the value of a hundred thousand pounds. The suspicion first fell strongly upon the abbot and monks of Westminster, who, to the number of forty-one, with thirty-two other persons, were seized upon suspicion, and imprisoned in the tower of London. Edward immediately directed his writs to his judges, to try them for the same by a Middlesex and Surrey jury ; but whether any of them were convicted, or any part of the treasure was recovered, or whether the whole was not a state trick, does not appear. In the mean time he did all he could to raise money ; he converted to his own use the tythes which had been granted for the relief of the Holy Land, and indemnified the collectors ; he raised the aid which had been granted by a former parliament for marrying his eldest daughter ; and he issued out writs for levying fines upon prelates, religious women and others, to excuse them from at-

tending the expedition. He likewise raised a large sum, which was due to him by way of arrears upon his French estates ; and every day made some new advances for more strongly cementing the amity between him and Philip.

The Scots having thus nothing to trust to from abroad, began now to think of again making their submissions. Accordingly Cummin, the guardian, sent mediators to negotiate his peace, and that of his friends. After various conferences, the terms were agreed upon in February, 1304, which were as follow :

I. That all who came to the peace of the king with the said John Cummin (except the persons after-named) should have their lives and limbs saved, and neither be imprisoned, nor disinherited. <sup>Terms of submission of the Scots.</sup>

II. That their ransom and fine, to be exacted upon the account of faults to be committed against the king, should be regulated by him, in his next parliament ; in which the establishment of Scotland should also be ordained.

III. That all the strong-holds, now in the king's or his friend's hands, should remain so, and the charge of keeping them to be defrayed by the owners.

IV. That the prisoners on both sides, except Monf. Peter de Morham, and his father, as also the hostages for the payment of the ransom of prisoners, be also released.

The persons excepted were Robert bishop of Glasgow, Monf. James, the steward of Scotland, John Soules, Monf. David de Graham, Monf. Alexander Lindsay, Monf. Simon Fraser, Thomas de Bois, and Monf. William de Wallace ; concerning all whom it was agreed, that the bishop, as to his body and temporalities, the seneschal, or steward, and John Soules, should have the same conditions with the commons, that is, have their lives and limbs safe, be free from imprisonment, and not disinherited ; but yet with two years banishment out of Scotland, beyond the river Trent : that the steward's castles should be in the king's possession during his exile, and he to be at the charge of keeping them. Concerning Monf. David de Graham, and Monf. Alexander de Lindsay, it was agreed that they should have the same conditions with the former, and be banished Scotland for half a year ; David beyond the river Tweed, and Alexander beyond Trent. As to Monf. Simon Fraser, and Thomas de Bois, it was agreed also that they should have the same conditions ; but be banished the king's dominions for three years ; and also out of the dominions of the king of France, unless, in the mean time, they could find favour. But as to William Wallace, he was to submit himself wholly to the king's mercy.

While this negotiation was depending, the castle of Stirling continued to be held out by William Oliphant, its former brave commander, with incredible resolution. Edward had several times summoned it to surrender, but in vain ; and found himself obliged, at last,



A. D. 1304. last, to employ against it the whole train of his military engines. The undaunted governor still refused to capitulate; and Edward, thoroughly exasperated, exposed his person so, that the goodness of his armour hindered him from being struck dead by an arrow from one of the besieged. The king pulling out the arrow, which still stuck in his armour, held it up, and calling out to the man who discharged it, threatened to hang him. At last, the ditches being filled up, and ladders, with every thing else, being got ready for a general storm of a great breach which had been made in the walls, the besieged, on the 20th of July, sought to capitulate. But the defence they made looked, in Edward's eyes, more like despair than courage. Edward refused to grant them any terms, though they only asked for the safety of their lives and limbs. At last they were obliged to submit, and march out of the castle, imploring Edward's mercy. Their lives were granted; but Oliphant himself was sent to the tower of London, together with a hundred other persons of quality, who it seems had neglected to surrender themselves in terms of the late act of pardon. These prisoners were ordered to be distributed throughout the several fortresses of England; and Edward, having now completely conquered all opponents (Wallace and his followers always excepted) held a parliament, or rather a great council, about the middle of Lent, 1304, at St. Andrew's in Scotland. This is indeed a circumstance which we learn only from the Martin copy of Trivet's annals; but it is not without its probability: for we find that he spent most of this summer in Scotland; and the same authority mentions, that he proceeded against all delinquents, as well as those who had surrendered according to the Scottish laws. This, if true, might be no bad policy in Edward, as he had already found the bad effects of a contrary conduct. He likewise commanded all his officers and governors for that kingdom; and, after giving Segrave a new commission, as governor in chief, he set out for York.

The castle of Stirling surrenders to king Edward, and bravery of the garrison.

King Edward holds a great council at St. Andrew's in Scotland.

The courts of justice are removed from York to Westminster.

the goods, upon all his demesne lands and cities. A. D. 1305.

In the mean time, his politics, with regard to his affairs upon the continent, took a very different turn from what they had hitherto observed. He had found the great benefit of cultivating an entire friendship with France, while his arms were directed against Scotland; and the king of France, on his part, perceived he was much more able to act with success against the Flemings, whilst he lived in friendship with Edward. Thus both parties inviolably observed the late peace; and both very readily came into all demands of reparation, when it was infringed by the subjects of either. The treaty of marriage between the prince of Wales and the princess of France was now resumed, and prepared to be carried into execution; and the intimacy between the two courts was so great, that Edward recalled all his trading subjects out of Flanders, and ordered a proclamation to be issued for not harbouring Philip's enemies; nay, he was even prevailed upon to lend twenty good stout ships, well provided, and fitted out at his own charges, to serve the king of France four months during his campaign in Flanders. This enabled that prince to make a very vigorous push against his enemies there. The earl of Juliers was slain in a pitched battle, Lisle and Douay were surrendered to the French, and Philip once more got a considerable footing in Flanders. The prince of Wales, by this time, was preparing to set out to espouse his bride; but the royal exchequer was so low, that the king was obliged to borrow the money for his equipage from the Italian merchants, and his other subjects.

A good understanding between Edward and the king of France.

Rym. vol. iii. p. 943.

The earl of Juliers killed.

Rym. vol. ii. p. 953.

Notwithstanding this, the king kept his Christmas with great pomp at Lincoln; but found that his absence from England had encouraged an infinite number of disorders throughout all the kingdom. No subject was secure against assassinations, robberies, and bastinadings. A new writ was therefore issued, called (1) Traylebaston, reciting,

“ That whereas very many malefactors and disturbers of the peace wander about, committing murders, robberies, and burning of houses, with other villanies, both by day and night, in several counties, to the great danger of the inhabitants, as also of those that pass through the same, from which worse events may easily happen,

The writ of Traylebaston.

(1) The original of this name is variously accounted for. In the reign of Edward III, the proceedings upon the writ were found to be illegal, and too summary, and therefore they were laid aside. Thus we are at a loss to account for the meaning of the word Traylebaston, which in French signifies, “ to draw a staff.” Mr. Tyrrel says, That though it is commonly attributed to the speediness of the process, which was dispatched almost in as little time as a man could draw or let fall a staff, yet this signification seems forced: and he rather inclines to the authority of the Evesham chronicle, in the Bodleian library, which derives it from a certain instrument, anciently belonging to a shoemaker, wherewith they used to beat their apprentices, called a Traylebaston, but is now out of use; and of which the author says, that the king, in his return out of Scotland, was told this story, concerning those who then made it a trade to take money to beat other men: That a certain wicked person, having hired some of those ruffians to beat another man, whom he durst not meddle with himself, they met with him, and cudgelled him very severely; but he happening to know one of them, found out who it was that had hired them; whereupon, desiring them to spare him, he promised them, That if they would bestow as many more blows on him who set them on work, he would reward them double; which they agreed to: So, in their return, they met with the man that first employed them, who asking them whether they had done as he had ordered them? they answered, Yes; and that they were to receive as much more for the like business: so one of them, being a shoemaker, crying out, Traylebaston, they all fell upon him, and cudgelled him twice as much as they did the other. At which story the king at first smiling, was resolved to secure his people for the future from such malefactors; and therefore he appointed certain officers on purpose to punish them, who were ever after called commissioners of Traylebaston. Vol. iii. p. 159, 160.



A. D. 1305. " unless some speedy remedy be appointed  
" for the same; wherefore the king being  
" resolved to prevent their malice and wickedness, had appointed those persons named  
" in the same writ, to enquire, by the oaths  
" of certain lawful men of the same county,  
" concerning such malefactors, their receivers  
" and partakers; as also concerning those  
" who have made any bargain with them,  
" for gifts or rewards, to beat, wound, or  
" evil intreat, or kill any persons, at fairs,  
" markets, or other places; as also concerning those who being sworn in inquisitions  
" at assizes, have, for fear of them, forborn  
" to indict or give their verdicts against  
" malefactors; and to enquire of those that  
" have given them any gifts, and how many  
" and how much they are, and who have  
" received; as also who any ways favour or  
" maintain such malefactors; and that they  
" cause them to be arrested and committed  
" to prison by the sheriff of the said county.  
" And then commands them to cause strict  
" inquisitions to be made at certain times  
" and places to be by them appointed, concerning all misdemeanors; and, if occasion be, to raise the posse comitatus to  
" seize such malefactors as shall be thus presented and indicted, and commit them to  
" prison; and also by the sheriff to seize  
" the goods and chattels of all such as shall  
" flee after their indictment, and keep them  
" for the king's use. Then gives a power  
" to the sheriffs, that, at certain days and  
" places to be appointed by the said commissioners, they cause as many knights, or  
" others, as they shall think fit, to be returned, to enquire concerning the premises; and that they cause all such as  
" they shall find guilty, by such inquisitions,  
" to be arrested, and kept in prison, as  
" aforesaid, without delay; and that the  
" said sheriff and whole body of the county  
" be assisting to the said commissioners,  
" whenever there be occasion, on the behalf of the king."

This writ, in Mr. Rymer's collections, is dated the 6th of April, at Westminster; and there follows what is above, the articles of the inquest, viz.

" Especially concerning those who shelter themselves in their unlawful possessions of other men's lands, by making colufory resignments of the said lands in the hands of great lords." This was but a specification of the general matter of inquest, notified in the writ; as were the others of the said articles. The commissioners in the several counties were as follow:

Counties.	Commissioners.
Cornwall,	William Martyn, Henry de Spigurnell, William de Knouill, Roger de Balafaga, Thomas de la Hyde; Of whom two were a quorum.
Devon,	
Somerset,	
Dorset,	
Hereford,	
Worcester,	
Salop,	
Stafford,	
Wilts,	
Southampton.	

Counties.	Commissioners.
Glocester, Northampton, Oxford, Berks, Bedford, Bucks, Essex, Hertford, Rutland, Cambridge, Huntingdon.	John Butecurte, William Haward, Nicholas Fermband, Robert de Harwedon; Or any three of them, of whom William Haward was to be one.
York, Northumberland, Cumberland, Westmoreland, Lancaster, Nottingham, Derby, Warwick, Leicester, Lincoln.	
Norfolk and Suffolk.	William de Ormesby, William Juge, William de Kerdeston, John de Bretun, Richard de Walsingham; Or any three of them, of whom William Juge was to be one.

Those commissioners, in their several counties, soon found a great deal of business; they had numbers returned to them upon the inquests; and the delinquents, after due process, generally suffered death when taken. But their numbers were too large for the law to take cognizance of them all; great numbers of them, therefore, fled to Scotland, where they increased the number of Edward's enemies, with whom they joined in all inroads and disturbances.

But we are now upon the eve of mighty revolutions in that country; revolutions, effected by such a concurrence of policy and virtue, of treachery and courage, of spirit and cowardice, as no age can parallel. In opening them, I shall fearlessly blame, or justify, acquit, or condemn, on the face of actions, without regard to national (and I hope) obsolete prejudices. The despicable Baliol had, by his abdication, divested himself of the character and ensigns of royalty; Cummin of Badenoch, therefore, the late guardian of Scotland, stood in the same rank, with regard to the succession, as Baliol held before. The two chief men then in Scotland were Bruce and Cummin; and both, especially the former, deserve to be particularly characterised here.

Bruce was earl of Carrick by the death of his father, who was son to the original competitor of that name. Virtue was his choice; but he could put it off or on for convenience: for, when he conceived the end to be good, he thought no means unlawful to attain it. In interest he was equal, in experience inferior, to Cummin. Their ambition and years the same; both were young, brave, and generous.

A revolution begun in Scotland.

Characters of Bruce and Cummin.



A. D. 1305. generous. Cummin had understanding; but Bruce to understanding added genius. Thus what had an air of craft in the one, appeared as wisdom in the other; the one seemed rash, the other resolute; the one was broken, the other rebounded, by a fall. Both had the same views; each believed the one to be the dupe of the other; while Edward believed he had outwitted both.

Edward's political behaviour to the Scots.

Edward, by this time, had experience enough of the Scots, to find that the conquest of their country could add little to his happiness, and less to his power. He, therefore, like a wise and a great man as he was, projected how to render the Scots in love with subjection, by making it their interest, and by leaving them some shadow of equality. To effect this, he considered the best way would be by balancing parties among the Scots themselves, and by making his court to the natural interest of that people. He appeared entirely satisfied with their sincerity; and, to convince them it was reciprocal on his part, he took into his most intimate confidence the bishop of Glasgow, Robert Bruce, and John Mowbray, another great Scotch nobleman, all three remarkably distinguished for their alternate compliances with, and opposition to, his government, as convenience invited, or force overawed. To them he gives a commission, whilst he held his Lent parliament at London, that they should consider among themselves of the proper means, time, and place for calling a parliament, which was to settle the civil government of Scotland. It was not long before the three noblemen agreed upon their report; for the very next day they gave in their answer, "That, as to the place and time they left it entirely to his majesty's pleasure; but that they imagined it could not well be before the feast of St. John Baptist, because that the Scots could not, before Easter, come from their several homes, to any certain day or place, in consequence of the chancellor's brief. That, with regard to the persons who were to come up as commissioners to the parliament, they conceived, if the king so pleased, that two bishops, two abbots, two earls, two barons, and two commoners were sufficient: that they should have their expences borne; and that the then government of Scotland should remain in the king's officers who were in the kingdom, with the community thereof; by which I apprehend to be meant their lords and commons." This report was read and confirmed by Edward in parliament; and writs were issued out for a parliament to meet at London three weeks after Midsummer, at which the deputies from Scotland were to assist; not as members, says Mr. Pryn, but as commissioners. The whole of this transaction was extended in an instrument, which still is to be seen on the tower rolls. From the said rolls I am entirely of Mr. Pryn's opinion, that these deputies acted only as commissioners; for a certain number of English commissioners were appointed to confer with them. Their names on both sides were as follow: Those for Scotland were the bishops

of St. Andrew's and Dunkeld, the abbots of Cowper and Melross, the earl of Buchan, John Mowbray, Robert Keith, Adam Gordon, John Inchmartine, and earl Patrick; those for England were the bishop of Chester, the abbot of Westminster, the earl of Lincoln, Hugh d'Espenser, John de Hastings (who could not come because he was sick) John Botetourt, Roger Brabazon, William Bereford, John de Isle, Reynard Brandon, Hugh monk of Manchester, Sir John Benstead, the bishop of Worcester, the abbot of Waverly, the earl of Hereford, Henry Piercy, William Martyn, Sir John Sandale, Sir Ralph Hengham, Roger Hengham, and Philip Martel.

It was the 15th of September before the parliament, in which those commissioners were to assist, met; and the earl Patrick not attending, Edward, by his own prerogative, appointed Sir John Monteith in his place. They, after consulting for twenty days, agreed upon a civil establishment for Scotland; by which it appears, that Edward, who, no doubt, dictated the same, had it chiefly in view thoroughly to abolish all manner of distinctions between the native Scots and English within Scotland. By it the natives of both countries were rendered equally capable of bearing offices of power and trust within Scotland. John of Brittany was appointed Edward's guardian there; the chancellor, chamberlain, judges, part English, part Scots, were nominated for preserving the peace of the country, deciding differences, and preventing quarrels. The king's lieutenant, the chancellor, and chamberlain had a power of removing all justices and sheriffs, and of appointing others, either English or Scots, in their places.

John earl of Brittany appointed guardian of Scotland by king Edward.

Thus far the English and Scotch historians have been pretty fair in their representations of this memorable record; but they have either grossly misunderstood, cursorily viewed, or partially represented its most material parts. For Edward, by this great alteration, did not mean to make the Scots no better than an appendix to the English parliament, by obliging their commissioners to constant attendance; far less was it his intention to make a total alteration of their constitution, by abolishing their states, or what we may call their parliament. It is true they were brought into a dependance upon himself; but it was with decency: and he made many alterations in their laws; but they were for the better. For proof of this, we need but to translate part of the record itself, which I think has never yet been done. For, after naming the several great officers of state and justices, it thus proceeds, with regard to the civil laws and usages of the kingdom of Scotland: "It is ordained, that the usages of the Scots and Britons" [which, by the by, were quite averse to the feudal constitution, which then prevailed in all the civilized part of that kingdom] "shall be entirely abolished and disused. It is likewise ordained, that the king's lieutenant, as soon as he shall arrive in Scotland, shall assemble the men of estates in the said kingdom in a convenient place; and, in

Edward's views in regulating the civility of Scotland, and uniting it with England.

Scotch commissioners come to the parliament at London, for settling the civil government of that kingdom.

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